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इस भाग में विभिन्न पृष्ठ संलग्न ही जाती हैं जिससे कि वह असाधा संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—संख्या 3—उप-संख्या (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्षेत्र प्रशासनों के छोड़कर) केन्द्रीय सरकार प्राधिकारियों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं।

Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) by Central Authorities (other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

प्रादेश

नई दिल्ली, 26 जुलाई, 1980

का० आ० 2653 —यह, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 25 चिमूर मंसारीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बलदूबा रामनिवाम लक्ष्मीनारायण, मू० पो० भिणी न० बरोग जिला अनंतपुर, महाराष्ट्र लोक प्रतिनिधित्व प्रतिनियम, 1951 तथा नवीन बनाए गए नियमों द्वारा अपेक्षित ग्रप्ताने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

झौर, यह, उक्त उम्मीदवार ने, उसे सम्बद्ध सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथमा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायामिक नहीं है।

प्रत अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एवं द्वारा उक्त श्री बलदूबा रामनिवाम लक्ष्मीनारायण को संमद् के किसी भी सदन के या किसी ग्रज्य की विधान सभा प्रथमा विधान परिषद् के सवास्य चुने जाने और होने के लिए इस प्रादेश की तारीख में तीस वर्ष की कालाधिक के लिए निर्गत घोषित करता है।

[सं. महा० लो० न०/25/80(14)]

ELECTION COMMISSION OF INDIA

ORDERS

New Delhi, the 26th July, 1980

S.O. 2653.—Whereas the Election Commission is satisfied that Shri Balduwa Ramniwas Laxminarayan, At & P.O. Bhishi, Tehsil Warora, District Chandrapur (Maharashtra) a contesting candidate for general election to the House of the People held in January, 1980 from 25-Chimur Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Balduwa Ramniwas Laxminarayan to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/25/80(14)]

नई दिल्ली, 28 जुलाई, 1980

का० आ० 2654.—यह, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 16 एंड्रोल मंसारीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार

श्री पाटील रामगांव बलीगाम, संचालक भाष्योदय कलासेम धरणगाव ता० परडोल जि० जबगांव लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा प्रवेशित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

प्रौर, या०, उक्त उम्मीदवार ने, उसे सम्पर्क मूल्यना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीकाल्य नहीं है।

यद्यपि अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एन्डडारा उक्त श्री पाटील रामगांव बलीगाम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होमे के लिए इस ग्रामीण की तारीख से तीन वर्ष की कालावधि के लिए निर्गम्भ घोषित करता है।

[मं० महा० लो० म०/16/80(12)]

New Delhi, the 28th July, 1980

S.O. 2654.—Whereas the Election Commission is satisfied that Shri Patil Ramrao Baliram, Sanchalak, Bhagyodaya Classes, Dharangaon, Taluka Erandol, District Jalgaon a contesting candidate for general election to the House of the People held in January, 1980 from 16-Erandol Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Patil Ramrao Baliram to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/16/80(12)]

नई दिल्ली, 29 जूनाई, 1980

का० का० 2655.—यह निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 14-धरोले संसदीय निर्वाचित-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अमनलक्ष्मण फूलकी, म० पो० अलफ़दी तलसील जवाहर, जिला धूले महाराष्ट्र लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा/समय के प्रदर्श अपने निर्वाचन व्ययों का लेखा/रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं।

प्रौर, या०, उक्त उम्मीदवार ने, उसे सम्पर्क मूल्यना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीकाल्य नहीं है।

यह अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एन्डडारा उक्त श्री अमनलक्ष्मण फूलकी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होमे के लिए इस ग्रामीण की तारीख से तीन वर्ष की कालावधि के लिए निर्गम्भ घोषित करता है।

[मं० महा० लो० म०/14/80(13)]

New Delhi, the 29th July, 1980

S.O. 2655.—Whereas the Election Commission is satisfied that Shri Valvi Surupsingh Fulji, at & Post Valfadi, Taluka Nawapur, District Dhule (Maharashtra) a contesting candidate

for general election to the House of the People held in January, 1980 from 14-Dhule (ST) Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Valvi Surupsingh Fulji to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/14/80(13)]

नई दिल्ली, 30 जूनाई, 1980

का० का० 2656.—यह, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 32-जलना संसदीय निर्वाचित-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अमानलक्ष्मण जाफरखान, रोहिलगाली, जुना, जलना, महाराष्ट्र लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

प्रौर, या०, उक्त उम्मीदवार ने, उसे सम्पर्क मूल्यना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीकाल्य नहीं है।

अब, अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एन्डडारा उक्त श्री अमानलक्ष्मण जाफरखान को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होमे के लिए इस ग्रामीण की तारीख से तीन वर्ष की कालावधि के लिए निर्गम्भ घोषित करता है।

[मं० महा० लो० म०/32/80(11)]

New Delhi, the 30th July, 1980

S.O. 2656.—Whereas the Election Commission is satisfied that Shri Amanullah Jaffarkhan, Rohilagalli, Junna, Jalna (Maharashtra) a contesting candidate for general election to the House of the People held in January, 1980 from 32-Jalna Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has not good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Amanullah Jaffarkhan to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/32/80(11)]

नई दिल्ली, 2 अगस्त, 1980

का० का० 2657.—यह, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए विधान सभा के लिए साधारण निर्वाचन के लिए 27-डाकोलिम नं० 28-मारमोगपुरा निर्वाचित-क्षेत्र से चुनाव लड़ने

वाले उम्मीदवार श्री लोट्टिकर विठ्ठल बेनकटेम, विठ्ठलारा, गोवा, लोक प्रतिनिधित्व अधिनियम, 1951 तथा नव्हीन बनाए गए नियमों द्वारा अपेक्षित प्रपत्ते निर्वाचन व्याप्रों का कोई भी लेना दाखिल करने में अमरकल नहीं है;

प्रत. श्री, यह, उक्त उम्मीदवार ने, उसे सम्पर्क सूचना दिए जाने पर भी अपनी इस अमरकलता के लिए कोई कारण अधिकार स्टॉकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस अमरकलता के लिए कोई पर्याप्त कारण या स्थायीचित्य नहीं है।

प्रत. श्री, उक्त उम्मीदवार की धारा 10-के अनुसरण में निर्वाचन आयोग एवं व्याप्रों उक्त श्री लोट्टिकर विठ्ठल बेनकटेम को समझ के किसी भी सदन के या किसी राज्य की विधान भ्राता अधिकार विधान परिषद् के सदस्य चुने जाने आए होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्दित घोषित करता है।

[मा० गोवा-वि०मा०/27 व 28/80(1)]

New Delhi, the 2nd August, 1980

S.O. 2657.—Whereas the Election Commission is satisfied that Shri Lotlikar Vithal Vankatesh, Buteabata Vasco, Goa, a contesting candidate for general election to the Legislative Assembly held in January, 1980 from 27-Dabolim and 28-Mormugao Constituencies, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Lotlikar Vithal Vankatesh to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. Goa-LA/27 & 28/80(1)]

नहीं दिल्ली, 4 अगस्त, 1980

का० शा० 2658.—यह, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में द्वारा लोक सभा के लिए साधारण निर्वाचन के लिए 17-जलगांव संसदीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नायडे नरेन्द्र मुराहू द्वारा एम० फी० नायडे, आर० शी० मेकांड - 883, 15 बंगला, भुमावल, महागढ़, लोक प्रतिनिधित्व अधिनियम, 1951 तथा नव्हीन बनाए गए नियमों द्वारा अपेक्षित प्रपत्ते निर्वाचन व्याप्रों वा कोई भी लेना दाखिल करने में अमरकल रहे हैं;

प्रत. श्री, उक्त उम्मीदवार ने, उसे सम्पर्क सूचना दिए जाने पर भी अपनी इस अमरकलता के लिए कोई कारण अधिकार स्टॉकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस अमरकलता के लिए कोई पर्याप्त कारण या स्थायीचित्य नहीं है।

प्रत. श्री, उक्त उम्मीदवार की धारा 10 के अनुसरण में निर्वाचन आयोग एवं द्वारा उक्त श्री नायडे नरेन्द्र मुराहू वा समझ के किसी भी सदन के या किसी राज्य की विधान सभा अधिकार विधान परिषद् के सदस्य चुने जाने आए होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्दित घोषित करता है।

[मा० महा० नो० मा०/17/80(15)]

New Delhi, the 4th August, 1980

S.O. 2658.—Whereas the Election Commission is satisfied that Shri Tayade Narendra Supadu, C/o, M.P. Tayade, R.B. II-883, 15-Bungalow, Bhusawal, District Jalgaon, (Maharashtra), a contesting candidate for general election to the House of the people held in January, 1980 from 17-Jalgaon Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And, whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Tayade Narendra Supadu to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/17/80(15)]

आवेदन

का० शा० 2659 —यह, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में द्वारा लोक सभा के लिए साधारण निर्वाचन के लिए 17-जलगांव संसदीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री देशमुख गणाधर माथू, 407 नवी पेठ, नई किमनवाडी, जिला गोवा, जलगांव, लोक प्रतिनिधित्व अधिनियम, 1951 तथा नव्हीन बनाए गए नियमों द्वारा अपेक्षित प्रपत्ते निर्वाचन व्याप्रों का कोई भी लेना दाखिल करने में अमरकल रहे हैं,

प्रत. श्री, उक्त उम्मीदवार ने, उसे सम्पर्क सूचना दिए जाने पर भी अपनी इस अमरकलता के लिए कोई कारण अधिकार स्टॉकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस अमरकलता के लिए कोई पर्याप्त कारण या स्थायीचित्य नहीं है।

अब: द्वारा, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एवं द्वारा उक्त श्री देशमुख गणाधर माथू वा संसद के किसी भी सदन के या किसी राज्य की विधान सभा अधिकार विधान परिषद् के सदस्य चुने जाने आए होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्दित घोषित करता है।

[सा० महा० नो० मा०/17/80 (16)]

ORDER

S.O. 2659.—Whereas the Election Commission is satisfied that Shri Deshmukh Gangadhar Nathu, 407, Navi Peth, Nai Kisanwadi, Jalgaon-425001, a contesting candidate for general election to the House of the People held in January, 1980 from 17-Jalgaon Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And, whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Deshmukh Gangadhar Nathu, to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/17/80(16)]

आवेदन

नई दिल्ली, 8 अगस्त, 1980

का० आ० 2663.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 23-नागपुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शास कामरान अहमद, 49, सूरना से आउट स्टेट बैंक कामोनी, नागपुर, लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा तद्वीत बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्यवों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और यत्: उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है।

प्रत्: यत्, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एनद्वारा उक्त श्री खान कामरान अहमद को संसद के किसी भी भूत के या किसी राज्य की विधान सभा अथवा विधान परिषद् के नियम लूने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं० महा०-लो०स०/28/80 (20)]

ORDER

S.O. 2663.—Whereas the Election Commission is satisfied that Shri Khan Kamran Ahmed, R/O 49, Surana Layout, State Bank Colony, Nagpur (Maharashtra), a contesting candidate for general election to the House of the People held in January, 1980 from 23-Nagpur Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And, whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Khan Kamran Ahmed to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/23/80(20)]

आवेदन

नई दिल्ली, 6 सितम्बर, 1980

का० आ० 2664.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 27-छिंदवाड़ा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नारायण राम चन्द्र दहासहस्र, सुभाष वार्ड नं० 9, मेन रोड, सोरर जिला-छिंदवाड़ा, (मध्य प्रदेश), लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा तद्वीत बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्यवों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यत्: उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अत् यत्, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एनद्वारा उक्त श्री नारायण रामचन्द्र दहासहस्र को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के नियम लूने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं० म०प्र०-लो०स०/27/80 (6)]

ORDER

New Delhi, the 6th September, 1980

S.O. 2664.—Whereas the Election Commission is satisfied that Shri Narayan Ramchandra Dahasastra, Subhash Ward No. 9, Main Road, Sausar, District—Chhindwara (Madhya Pradesh), a contesting candidate for general election to the House of the People held in January, 1980 from 27-Chhindwara Constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And, whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Narayan Ramchandra Dahasastra to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/27/80(6)]

आवेदन

नई दिल्ली, 9 सितम्बर, 1980

का० आ० 2665.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए विधान सभा के लिए भाषारण निर्वाचन के लिए 29-दमन निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कालावाड़ वाला अकबराली लुकमनजी, मेन रोड, नानी दमन, पेरिन चास नं० 2 (गोवा), लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा तद्वीत बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्यवों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यत्: उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

अत् यत्, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एनद्वारा उक्त श्री कालावाड़ वाला अकबराली लुकमनजी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के नियम लूने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं० गोवा-वि०स०/29/80 (2)]

ORDER

New Delhi, the 9th September, 1980

S.O. 2665.—Whereas the Election Commission is satisfied that Shri Kalawadwala Akabarali Lookmanji, Main Road, Nani Daman, Peria Chawl No. 2 (Goa), a contesting candidate for general election to the Goa, Daman & Diu Legislative Assembly held in January, 1980 from 29-Daman Constituency, has failed to lodge an account of his election expenses at

all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure :

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kalawadwala Akabarali Lookmanji to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. Goa-LA/29/80(2)]

आदेश

क्रा० आ० 2666.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 7-सोलापुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री छत्रमाने शिवाजी कल्पा, मु० श्रोज (आहेरवाडी) पो० शिंगड़ गांव ना० दक्षिण सोलापुर लोक प्रतिनिधित्व प्रधिनियम, 1951 नथा नदीन बनाए गए नियमों द्वारा अवैधित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

प्रौर् यत्, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अवैधित करणे नहीं दिया है प्रौर् निर्वाचन आयोग का यह भी समाधान हो गया है कि उम्मीदवार ने इस असफलता के लिए कोई पर्याप्त कारण या न्यायीकान्वय नहीं है।

अब, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एनडब्ल्यूए उक्त श्री छत्रमाने शिवाजी कल्पा को सम्मद के किसी भी सदन के या किसी राज्य की विधान सभा अवैधित विधान परिषद् के सदस्य चुने जाने और हाने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्गति घोषित करना है।

[स० महा०-लो०म०/37/80 (21)]

ORDER

S.O. 2666.—Whereas the Election Commission is satisfied that Shri Vhanmane Shivaji Kallappa, At Auj (Aherwadi), P. O. Shingadgaon, Tehsil South Solapur (Maharashtra), a contesting candidate for general election to the House of the People held in January, 1980 from 37-Solapur Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Vhanmane Shivaji Kallappa to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/37/80(21)]

आदेश

नई दिल्ली, 12 सितम्बर, 1980

क्रा० आ० 2667.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 29-हिंगोली निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री दिनेश शिंगलगाव सरकटे, प्रभासनगर वाई कश, 7-नायेडू लोक प्रतिनिधित्व प्रधिनियम, 1951 नथा नदीन बनाए गए नियमों द्वारा अवैधित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

प्रौर् यत्, उक्त उम्मीदवार ने, सम्पूर्ण सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अवैधित करणे नहीं दिया है प्रौर् निर्वाचन आयोग का समाधान हो गया है कि उम्मीदवार ने इस असफलता के लिए कोई पर्याप्त कारण या न्यायीकान्वय नहीं है,

प्रौर् यत्, उक्त उम्मीदवार ने, सम्पूर्ण सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अवैधित करणे नहीं दिया है प्रौर् निर्वाचन आयोग का समाधान हो गया है कि उम्मीदवार ने इस असफलता के लिए कोई पर्याप्त कारण या न्यायीकान्वय नहीं है।

अब अब, उक्त अधिनियम की धारा 10-क के अनुसरण ने निर्वाचन आयोग एनडब्ल्यूए उक्त श्री शिवकुमार छान्दहम को सम्मद के किसी भी सदन के या किसी राज्य की विधान सभा अवैधित विधान परिषद् के सदस्य चुने जाने और हाने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्गति घोषित करना है।

[स० म०प्र०-लो०म०/29/80 (7)]

ORDER

New Delhi, the 12th September, 1980

S.O. 2667.—Whereas the Election Commission is satisfied that Shri Shiv Kumar Chanderhans, Mukam, Post Toomdn. Tehsil Gadarwara, District-Narsimhapur, (Madhya Pradesh) a contesting candidate for general election to the House of the People held in January, 1980 from 29-Moshingehad constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shiv Kumar Chanderhans to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/29/80(7)]

आदेश

नई दिल्ली, 15 सितम्बर, 1980

क्रा० आ० 2668.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 29-हिंगोली निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री दिनेश शिंगलगाव सरकटे, प्रभासनगर वाई कश, 7-नायेडू लोक प्रतिनिधित्व प्रधिनियम, 1951 नथा नदीन बनाए गए नियमों द्वारा अवैधित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

प्रौर् यत्, उक्त उम्मीदवार ने, उसे सम्पूर्ण गवाहा दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अवैधित करणे नहीं दिया है प्रौर् निर्वाचन आयोग का यह भी समाधान हो गया है कि उम्मीदवार ने इस असफलता के लिए कोई पर्याप्त कारण या न्यायीकान्वय नहीं है।

अब अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एनडब्ल्यूए उक्त श्री दिनेश शिंगलगाव सरकटे को सम्मद के किसी भी सदन के या किसी राज्य की विधान सभा अवैधित विधान परिषद् के सदस्य चुने जाने और हाने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्गति घोषित करना है।

[स० महा०-लो०म०/29/80 (22)]

ORDER

New Delhi, the 15th September, 1980

S.O. 2668.—Whereas the Election Commission is satisfied that Shri Dinesh Vithalrao Sarkate, Prubhatnagar, Ward No. 8, Nanded (Maharashtra) a contesting candidate for general election to the House of the People held in January, 1980 from 29-Hingoli Constituency; has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dinesh Vithalrao Sarkate to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MT-HP/29/80(22)]

प्रावेश

नई शिल्पी, 19 अक्टूबर, 1980

का० आ० 2669—यह, निर्वाचित आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए माधारण निर्वाचित के लिए 24-बैतूल निर्वाचित-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री लक्ष्मीचन्द जैन चारुवाला, आरुवा नहसील हारदा, जिला-होशगाबाद (मध्य प्रदेश), लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा नदीयन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्यक्तियों का कोई भी लेखा दाखिल करने में अमरक्षत रहे हैं;

और यह, उक्त उम्मीदवार ने, सम्पर्क सूचना दिए जाने पर भी, इस अमरक्षता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचित आयोग का समाधान हो गया है कि उसके पास इस अमरक्षता के लिए कोई पर्याप्त कारण न्यायोचित नहीं है,

अत अब, उक्त अधिनियम की धारा 10A के अनुसरण में निर्वाचित आयोग एवंद्वारा उक्त श्री लक्ष्मीचन्द जैन चारुवाला को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के गदर्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. म०प्र०-ज००म०/28/80 (8)]

आदेश से

ORDER

New Delhi, the 19th September, 1980

S.O. 2669.—Whereas the Election Commission is satisfied that Shri Laxmichand Jain Charuwawala, Charuwa, Tehsil Harda, District-Hoshangabad (Madhya Pradesh), a contesting candidate for general election to the House of the People held in January, 1980 from 28-Betul constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Laxmichand Jain Charuwawala to be disqualified for being

chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/28/80(8)]

प्रावेश

लट्ट शिल्पी, 22 अक्टूबर, 1980

का० आ० 2670—यह, निर्वाचित आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए माधारण निर्वाचित के लिए 26-सिवनी निर्वाचित-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अक्तर खान, गाम गोहना, पांड गोहना, तहसील-लखनाडान, जिला-मिवनी (मध्य प्रदेश), लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा नदीयन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्यक्तियों का कोई भी लेखा दाखिल करने में अमरक्षत रहे हैं;

और यह, उक्त उम्मीदवार ने, सम्पर्क सूचना दिए जाने पर भी, इस अमरक्षता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचित आयोग का समाधान हो गया है कि उसके पास इस अमरक्षता के लिए कोई पर्याप्त कारण न्यायोचित नहीं है;

अत अब, उक्त अधिनियम की धारा 10A के अनुसरण में निर्वाचित आयोग एवंद्वारा उक्त श्री लक्ष्मीचन्द जैन चारुवाला को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. म०प्र०-ज००म०/26/80 (9)]

ORDER

New Delhi, the 22nd September, 1980

S.O. 2670.—Whereas the Election Commission is satisfied that Shri Akhtar Khan, Village Gohana, Post Office-Gohuna, Tehsil Lakhnadan, District-Seoni, (Madhya Pradesh) a contesting candidate for general election to the House of the People held in January, 1980 from 26-Seoni constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Akhtar Khan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/26/80(9)]

प्रावेश

का० आ० 2611—यह, निर्वाचित आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए माधारण निर्वाचित के लिए 26-सिवनी निर्वाचित-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री दानी स्पष्ट जैन, 92 नेहरू बाड़, गोटेगांव पो० गोटेगांव, जिला-नर्सिंहपुरा, (मध्य प्रदेश), लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा नदीयन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्यक्तियों का कोई भी लेखा दाखिल करने में अमरक्षत रहे हैं;

ओर यह, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस अमरकाना के लिए कोई कारण अधिकार स्पष्टिकरण नहीं दिया है और निर्वाचन आयोग का समाधान हो गया है कि उम्मेद पास इस अमरकाना के लिए कोई पर्याप्त कारण स्पष्टिकरण नहीं है।

अब, आयोग, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एन्डवार्स उक्त श्री दानी रूप अन्व जैन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के मास्पद सूत जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की आवधि के लिए निरहित घोषित करता है।

[सं. म०प्र०-ल०म०/26/80 (10)]

ORDER

S.O. 2671.—Whereas the Election Commission is satisfied that Shri Dani Roop Chand Jain, 92 Nehru Ward, Post Goteagon, District-Narsingapur (Madhya Pradesh), a contesting candidate for general election to the House of the People held in January, 1980 from 26-Seoni constituency, has failed to lodge an account of his election expenses within the manner as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dani Roop Chand Jain to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/26/80(10)]

आदेश

नई दिल्ली, 24 सितम्बर, 1980

का० आ० 2672.—यहतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 30-लोकाल निर्वाचन-क्षेत्र में बुनाव लड़ने वाले उम्मीदवार श्री शक्तीक सिंहकी, रथवाना गन्नी, बुधवारा, भोपाल (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन अधिकारों का कोई भी लेखा दर्खिल करने में अमरकान रहे हैं;

ओर यह, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस अमरकाना के लिए कोई कारण अधिकार स्पष्टिकरण नहीं दिया है और निर्वाचन आयोग का समाधान हो गया है कि उम्मेद पास इस अमरकाना के लिए कोई पर्याप्त कारण स्पष्टिकरण नहीं है;

अब, आयोग, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एन्डवार्स उक्त श्री शक्तीक सिंहकी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के मास्पद सूत जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. म०प्र०-ल०म०/30/80 (11)]

ORDER

New Delhi, the 24th September, 1980

S.O. 2672.—Whereas the Election Commission is satisfied that Shri Shafiq Siddiqui, Rath Khana Gali, Budhwara, Bhopal, (Madhya Pradesh), a contesting candidate for general election to the House of the People held in January, 1980 from 30-Bhopal constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shafiq Siddiqui to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/30/80(11)]

नई दिल्ली, 25 सितम्बर, 1980

का० आ० 2673 :—लोक प्रतिनिधित्व अधिनियम 1951 की धारा 106 के अनुसरण में निर्वाचन आयोग, सन् 1980 की निर्वाचन अर्जी संख्या 1 में दिए गए मध्य प्रदेश उच्च न्यायालय के पारीख 5 सितम्बर, 1980 का निर्णय एन्डवारा प्रकाशित करता है।

[संखा 82/म०प्र०/1/80]

सी० ए० रोज़, प्रबन्ध सचिव

New Delhi, the 25th September, 1980

S.O. 263.—In pursuance of Section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Judgment dated the 5th September, 1980 of the High Court of Madhya Pradesh, Jabalpur in Election Petition No. 1 of 1980.

[No. 82/MP/1/80]

By Order,

C. I. ROSE, Under Secy.

Election Petition No. 1 of 1980

Purshottamlal Kaushik

V.

Vidya Charan Shukla

JUDGMENT

The petitioner Purshottamlal Kaushik and the respondent Vidya Charan Shukla were two of the contesting candidates in the last Lok Sabha general elections held in January, 1980 from No. 18, Mahasamud Parliamentary constituency. The result of the election was declared on 7-1-1980 and the respondent Vidya Charan Shukla was declared elected to the Lok Sabha from that constituency. This election result was notified in the official gazette on 10-1-1980. The present petition has been filed on 18-2-1980 for declaring the respondent's election to be void on two grounds, namely, under section 100(1)(a) and section 100(1)(d)(i) of the Representation of the People Act, 1951. Facts on which both the grounds are based are the same. All the relevant facts are admitted between the parties and the only question is whether on the admitted facts both or any of the grounds on which the petition is based have been made out. These facts are stated hereafter.

2. The respondent Vidya Charan Shukla was convicted of several offences in Sessions Case No. 340 of 1978 by the Sessions Judge, Delhi on 27-2-1979. A copy of the relevant portion of the judgment of the Sessions Judge is Ex. P. 1. The substantive sentences were to run concurrently and admittedly the respondent was sentenced to imprisonment for not less than two years in that case. The respondent was released on bail by the trial Court itself under sub-section (3) of section 389 of the Code of Criminal Procedure, 1973 suspending execution of the sentences of imprisonment to enable him to present an appeal and obtain orders of the appellate Court under sub-section (1). During the period so granted by the trial Court, the respondent preferred Criminal Appeal No. 72 of 1979 against his convictions and sentences in the Delhi High Court and made an application for suspension of his sentences under sub-section (1) of section 389, Cr. P. C. on 1-3-1979, the Delhi High Court, in that appeal, suspended execution of the sentence. On 21-3-1979, vide order (Ex. P. 1), the Delhi High Court admitted the respondent's appeal (Criminal Appeal No. 72 of 1979) and further directed that the sentences shall remain suspended.

3. This was the existing position when a notification was issued under section 30 of the Representation of the People Act, 1951, calling upon the aforesaid constituency to elect a member to the Lok Sabha. The time table of the election was fixed and notified, according to which 7-12-1979 was the last date for filing nominations and 11-12-1979 was the date of scrutiny. An objection to the validity of the respondent's nomination was raised before the Returning Officer at the time of scrutiny of nominations on the basis of the respondent's convictions and sentences as aforesaid on the ground that he was disqualified to be chosen as a candidate by virtue of sub-section (2) of section 8 of the R. P. Act, 1951. The Returning Officer rejected that objection and accepted the respondent's nomination as valid vide his order (Ex. P-2) dated 11-12-1979 passed on the date of scrutiny. This election petition was then filed by the petitioner, who is a defeated candidate at the election, on 18-2-1980 for declaring the respondent's election to be void on two grounds, namely under section 100(1)(a) and section 100(1)(d)(i) of the R. P. Act, 1951, both of which are based on the same set of facts, namely, respondent's disqualification by virtue of section 8(2) of the Act, resulting from his convictions and sentences as aforesaid.

4. After the respondent's aforesaid appeal had been filed in the Delhi High Court against his convictions and sentences, a declaration was made by the Central Government under the Special Courts Act, 1979, as a result of which his appeal stood transferred to the Supreme Court. In the Supreme Court, it was Criminal Appeal No. 494 of 1979. The State also filed a cross-appeal. These appeals were decided on 11-4-1980. The Supreme Court judgment in those appeals is reported in 1980 (II) S.C.C. 665, V. C. Shukla v. State. The Supreme Court on 11-4-1980 allowed the respondent's appeal, setting aside his convictions and sentences on all the counts and dismissed the State appeal. The result is that the convictions and sentences of the respondent awarded by the Sessions Judge on 27-2-1979 have all been set aside in appeal on 11-4-1980 by the Supreme Court. This judgment in appeal has come during the pendency of this election petition. The main controversy between the parties is about the effect of the Supreme Court judgment of acquittal on the respondent's disqualification under section 8(2) of the R. P. Act, 1951.

5. There are only two questions arising for decision in this petition which are the subject-matter of the two main issues framed in the case. These issues are as under :—

- 1(a) Was the respondent disqualified to be a candidate on the date of election ?
- (b) Is the respondent's election void on the ground contained in section 100(1)(a) of the R. P. Act, 1951 ?
- 2(a) Was the respondent's nomination improperly accepted ?
- (b) If so, has the result of election, in so far as it concerns the respondent, been materially affected ?
- (c) Is the respondent's election void on the ground contained in section 100(1)(d)(i) of the R. P. Act, 1951 ?

3. Relief and costs ?

The first question is about the existence of ground under section 100(1)(a) of the R. P. Act and the other is about the existence of the ground under section 100(1)(d)(i) of the Act, for the purpose of declaring the respondent's election to be void.

6. As earlier stated, the petitioner's case is that both these grounds are made out on the same set of facts, namely, respondent's disqualification by virtue of section 8(2) of the R. P. Act, 1951. At the hearing of the petition, Shri K. M. Agrawal, learned counsel for the petitioner, did not press the first ground, namely, under section 100(1)(a) and stated that the petition was being confined only to the existence of the other ground under section 100(1)(d)(i) of the Act. It is, therefore, the existence of ground under section 100(1)(d)(i), which remains for decision in this petition.

7. Briefly stated, the contention of Shri Agrawal, learned counsel for the petitioner, is that the crucial date for deciding whether the nomination of the respondent was improperly accepted or not, so as to make out the ground under section 100(1)(d)(i) of the Act, is 'the date fixed for the scrutiny of nominations', as provided in section 36(2)(a) of the Act. Learned counsel contends that the facts as they existed on the date fixed for scrutiny of nominations are alone to be taken into account for deciding whether this ground is made out or not, and, if that is done, the respondent's acquittal in appeal by the Supreme Court being subsequent to that date, is of no consequence. It is urged that this is the distinction between the ground under section 100(1)(d)(i) and the ground under section 100(1)(a), in the latter case, events subsequent to the date of scrutiny also being relevant but not so in the former. Obviously, it is in view of this distinction drawn by the learned counsel for the petitioner between these two grounds, that he decided to give up the petitioner's case based on the ground contained in section 100(1)(a) of the Act. Learned counsel for the petitioner also contended that sub-section (2) of section 8 of the Act results in automatic disqualification of a person for being chosen to fill a seat from the date of his conviction or any offence, if he has been sentenced to imprisonment for not less than two years. Reference is made to sub-section (3) of section 8 for contending that the only exception to the automatic disqualification resulting by virtue of sub-section (2) of section 8 is contained in sub-section (3) thereof which applies only to a sitting member, which character the respondent admittedly did not fulfil, since on the date of his conviction, he was neither a member of Parliament, nor of the State Legislature. As for the effect of suspension of the respondent's sentence during the pendency of his appeal, Shri Agrawal contends that the suspension was only of execution of the sentence but not of the disqualification resulting automatically therefrom by virtue of sub-section (2) of section 8 of the Act.

8. In reply, Shri Rajendra Singh, learned counsel for the respondent, advanced arguments in the alternative. His primary contention is that even though the crucial date for determining whether the respondent's nomination was improperly accepted or not is 'the date fixed for the scrutiny of nominations as laid down in section 36(2)(a)) in order to decide the existence of the ground under section 100(1)(d)(i) yet, that determination being made on the date of decision of this election petition, the subsequent events of respondent's acquittal in appeal, which fact exists on the date of decision of the election petition, has to be taken into account. It is contended that the respondent's acquittal in appeal before the decision of this election petition, has the effect of retrospectively wiping out the respondent's convictions and sentences with the result that the convictions and sentences, in law, never existed, not even on the date of the scrutiny. It is urged that since it cannot be held on the date of decision of this petition that there was improper acceptance of the respondent's nomination, his conviction and sentence having been wiped out during the pendency of this petition, it follows that the ground under section 100(1)(d)(i) of the Act is not made out. The other contention of Shri Rajendra Singh is that the word 'conviction' in sub-section (2) of section 8 means the final conviction and not a 'pro tempore' conviction liable to be set aside in an appeal which had already been filed. It is also urged that the construction suggested by the petitioner's counsel would lead to anomalous results; and that sub-section (3) of section 8 only enacts that in the case of a sitting member even without an order of suspension, the disqualification under section 8(2) remains in abeyance by the mere filing of an appeal, while in other cases an order of suspension by the appellate Court is also necessary. It is also urged that an appeal is a mere continuation of the trial so that the disqualification by virtue of sub-section (2) of section 8 comes into operation only when the list has finally ended resulting in the final order of conviction. In the alternative, it

has also been contended that the effect of suspension of sentence under section 389 Cr. P. C. was to arrest the disqualification resulting from section 8(2) of the R. P. Act. The gist of Shri Rajendra Singh's argument is that respondent's acquittal on 11-4-1980 by the Supreme Court in appeal has retrospectively wiped out the convictions and sentences with the result that the respondent has to be treated as never having both convicted and sentenced to attract the disqualification under section 8(2) of the Act.

9. The relevant statutory provisions may now be referred. Article 102 of the Constitution of India lays down the disqualifications for membership of either House of Parliament. The relevant part of Article 102 is as under :—

"102. Disqualifications for membership.—(1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—

(c) if he is so disqualified by or under any law made by Parliament.

The Representation of the People Act, 1951, is such a law made by Parliament. The relevant provisions therein are as follows :—

"8. Disqualification on conviction for certain offences.—(1) A person convicted of an offence punishable under section 153A or section 171E or section 171F or sub-section (2) or sub-section (3) of section 505 of the Indian Penal Code (45 of 1860), or under the Prevention of Civil Rights Act, 1955 (22 of 1955) or under section 125 or section 135 or clause (a) of sub-section (2) of section 136 of this Act shall be disqualified for a period of six years from the date of such conviction.

(2) A person convicted by a court in India for any offence and sentenced to imprisonment for not less than two years shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of five years since his release :

Provided that a person convicted by a court in India for the contravention of any law providing for the prevention of hoarding or profiteering or of adulteration of food or drugs and sentenced to imprisonment for not less than six months shall be disqualified from the date of such conviction and shall continue to be disqualified for a further period of five years since his release.

(3) Notwithstanding anything in sub-section (1) and sub-section (2), a disqualification under either sub-section shall not, in the case of a person who on the date of the conviction is a member of Parliament or the Legislature of a State, take effect until three months have elapsed from that date or, if within that period an appeal or application for revision is brought in respect of the conviction or the sentence until that appeal or application is disposed of by the Court.

Explanation....."

"32. Nomination of candidates for election.—Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of the Constitution and this Act or under the provisions of the Government of Union Territories Act, 1963 (20 of 1963) as the case may be.

36(1) Scrutiny of nominations.—(1) On the date fixed for the scrutiny of nominations under section 30, the candidates their election agents, one proposer of each candidate and one other person duly authorised in writing by each candidate but no other person, may attend at such time and place at the returning officer may appoint, and returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 33.

(2) The returning officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such

summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds :—

(a) that on the date fixed for the scrutiny of nominations, the candidate either is not qualified or is disqualified for being chosen to fill the seat under any of the following provisions that may be applicable, namely :—

Articles 84, 102, 173 and 191, Part II of this Act and sections 4 and 14 of the Government of Union Territories Act, 1963 (20 of 1963).

100. Grounds for declaring election to be void.—(1) Subject to the provisions of sub-section (2), if the High Court is of opinion—

(a) that on the date of his election a returned candidate was not qualified or was disqualified to be chosen to fill the seat under the Constitution of this Act or the Government of Union Territories Act, 1963 (20 of 1963); or

(b) :

(c) that any nomination has been improperly rejected; or

(d) that the result of the election, in so far as it concerns a returned candidate has been materially affected—

(i) by the improper acceptance of any nomination, or

the High Court shall declare the election of the returned candidate to be void."

It is mainly with reference to the above provisions and section 389 Cr. P. C. that the points in controversy have to be decided in this petition.

10. It may also be mentioned that there is no controversy between the parties that in case the respondent's nomination was 'improperly accepted' within the meaning of that expression as used in sub-clause (i) of clause (d) of sub-section (1) of section 100 of the Act, then the result of the election in so far as it concerns the returned candidate has been materially affected in the present case in order to make out the ground under section 100(1)(d)(i) of the Act without anything more being required to be proved. Obviously this is so since improper acceptance of the nomination being that of the returned candidate himself, he could not have contested the election and be declared elected but for such improper acceptance of his nomination. This position is settled by the decision in Vashisth Narain v. Dev Chandra A.I.R. 1954 S.C. 513, and the same view has been reiterated in Mahadeo v. Uday Pratap, A.I.R. 1966 S.C. 824 (para 10), Amrit Lal v. Himathbhai, A.I.R. 1968 S.S. 1455, as well as in Durai Muthuswami v. N. Nachiappan, A.I.R. 1973 S.C. 1419. The only question, therefore, is whether on the basis of the above statutory provisions and the admitted facts, it can be held that the respondent's nomination was improperly accepted by the returning officer to make out the ground under section 100(1)(d)(i) of the Act, for setting aside the respondent's election.

11. The first question is about the date with reference to which disqualification of a candidate has to be tested for deciding whether his nomination was improperly accepted. In other words, is it only the facts existing on the date of scrutiny as claim by the petitioner or also subsequent events happening till decision of the election petition and their effect, which must be taken into account as contended by the respondent.

12. Article 102 of the Constitution of India lays down the disqualifications 'for being chosen' as and for being, a member of Parliament. One such disqualification is, if he is so disqualified by or under any law made by Parliament. Use of the word 'chosen' indicates the stage of choice of a candidate which means the date of filing and scrutiny of the nominations. Reference may now be made to the provisions of the R. P. Act, 1951 wherein section 8(2) lays down the disqualifications with which we are concerned. Chapter I of Part V of the Act containing sections 30 to 39 relates to nomination of candidates. Section 30 deals with fixation of the election time table. Under section 31 public notice of election is given by the returning officer inviting nominations of candidates. Section 32 says that any person may be nominated as a candidate for election to fill a seat if he is qualified 'to be chosen' to fill that seat under the provisions of the Constitu-

tion and this Act. This also means that the qualification must be to be chosen as a candidate to fill the seat. The word 'chosen' has been used again to indicate that choice of candidates is confined only to persons duly qualified under the Constitution and the Act. In other words, qualification must subsist at the stage of being chosen as a candidate for the election and not later. The next relevant provision, and the crucial one according to both sides, is section 36 dealing with scrutiny of nominations. Sub section (2), of section 36 lays down the duty of the returning officer to decide all objections taken to any nomination and provides that either on such objection or on his own motion, he must reject any nomination, which suffers from any of the defects specified in clauses (a), (b) or (c). For this case the relevant clause is clause (a). The defect specified therein is that on the 'on the date fixed for the scrutiny of nominations the candidate either is not qualified or is disqualified for being chosen to fill the seat under any of the provisions viz Arts 84, 102, 173 and 191 of the Constitution or Part II of this Act etc. Section 8 of the R P Act, 1951, is in Part II of the Act and, therefore, disqualification by virtue of section 8(2) requires rejection of the nomination under section 36(2) (a). Herein also the word 'chosen' has been used to indicate that disqualification is relevant at the stage of being chosen as a candidate 'on the date of scrutiny of nominations' and if the disqualification subsists on the date of scrutiny the nomination must be rejected by the returning officer.

13 These provisions, therefore, do indicate that the crucial date for deciding whether a candidate is disqualified to be 'chosen' is the date of scrutiny when the returning officer is called upon to decide validity of the nominations. It is obvious that the decision of the returning officer must depend on facts as they existed on the date of scrutiny since it is beyond human comprehension to visualise subsequent events and to base the decision of validity of nominations on the unknown future events. The 'improper rejection' of a nomination within the meaning of expression used in section 100(1)(c) and 'improper acceptance' in section 100(1)(d) of the R P Act 1951 must, therefore, mean whether the rejection or acceptance of the nomination by the returning officer was improper with reference to section 36(2)(a) on the basis of facts existing on the date of scrutiny which alone were available to him and were relevant for deciding the validity of the nomination. Section 100(1)(c) and section 100(1)(d)(i) provide for converse situations with the only difference that in a case of 'improper rejection' of nomination material effect on the election of returned candidate is not required to be further proved whereas in the case of 'improper acceptance' it is to be further proved, unless improper acceptance of nomination be of the returned candidate himself in which case the ingredient of material effect is obvious.

14 The above indication of the date of scrutiny being the crucial date on which the existing facts have to be taken into account for deciding the question of improper rejection or acceptance of a nomination is found in the relevant statutory provisions. If the respondent be correct in the contention that all subsequent events happening after the date of scrutiny till the date of decision of the election petition must be also be taken into account together with their effect for this purpose, then the result is that validity of the nomination is to be decided not 'on the date of scrutiny of nominations' as laid down in section 36(2)(a) but on the date of decision of the election petition. No such indication appears in the relevant statutory provisions already noticed while deciding the existence of the ground under section 100(1)(c) or section 100(1)(d)(i) as the case may be. The Court has to place itself in the position of the returning officer on the date of scrutiny and then decide on those facts alone whether the rejection or acceptance of nomination was improper. The decisions construing these provisions may, therefore, now be noticed.

15 In *Valuswami Thevar v Raja Nair* AIR 1959 SC 422 it was pointed out that the word 'improper' in section 100(1)(c) and section 100(1)(d)(i) of the RP Act 1951 must have the same meaning and the test for both is the same the answer to be found with reference to section 36(2). The relevant extracts from the decision are as follows :

"Now, to decide what the expression 'improperly rejected' in section 100(1)(c) precisely import, it is necessary to examine the relevant provisions of the Act bearing on the question and the setting of the above sections therein. Under s 32 of the Act, any person may be nominated as a candidate for election if he is duly qualified under the provisions of the Constitution and the Act. Section 36(2) authorises the returning officer to reject any nomination paper on the ground that he is either not qualified, that is, under ss 3 to 7 of the Act or is disqualified, under the provisions referred to therein. If there are no grounds for rejecting a nomination paper under s 36(2), then it has to be accepted and the name of the candidate is to be included in a list. Vide s 36(8). Then we come to s 100(1)(c) and s 100(1)(d)(i), which provide a remedy to persons who are aggrieved by an order improperly rejecting or improperly accepting any nomination. In the context, it appears to us that the improper rejection or acceptance must have reference to s 36(2) and that the rejection of a nomination paper of a candidate who is qualified to be chosen for election and who does not suffer from any of the disqualifications mentioned in s 36(2) would be improper within section 100(1)(c) and that, likewise, acceptance of a nomination paper of a candidate who is not qualified or who is disqualified will equally be improper under s 100(1)(d)(i). Section 32 confers a substantive right on a candidate to be chosen to the Legislature subject only to the limitations enacted in Arts 384, 102, 173 and 191 of the Constitution and ss 3 to 7 of the Act and ss 36 and 100 provide the machinery for the exercise and enforcement of that right" (Para 8)

"Section 100(1)(d)(i) deals with improper acceptance of a nomination paper, and if the word 'improper' in that provision has reference to the matter mentioned in s 36(2), it must have the same connotation in s 100(1)(c) as well. The word, 'improper' which occurs in both s 100(1)(c) and s 100(1)(d)(i) must bear the same meaning in both the provisions, unless there is something in the context to the contrary, and none such has been shown" (Para 12)

From this decision it is clear that where a nomination is rejected or accepted contrary to the provisions of section 36(2), it is a case of 'improper rejection' under section 100(1)(c) or 'improper acceptance' under section 100(1)(d)(i), as the case may be, the two grounds dealing with converse situations. The test to be applied in both cases is the same since the word 'improper' has the same meaning in both provisions. This also shows that the principles laid down in cases under section 100(1)(c) are equally applicable to a case under section 100(1)(d)(i), like the present.

16 Cases laying down that facts existing on the date of scrutiny alone are relevant for deciding whether there was 'improper rejection' or 'improper acceptance' of nomination are referred now. In *Chatturbhuj Vithaldas v. Moreshwar Panashram* AIR 1954 SC 236 the expression 'disqualified for being chosen' occurring in the old section 7(d) of the R P Act, 1951 came up for construction. Their Lordships construed the expression as follows —

"Now the words of the section are 'shall be disqualified for being chosen'. The choice is made by a series of steps starting with the nomination and ending with the announcement of the election. It follows that if disqualification attaches to a candidate at any one of these stages, he cannot be chosen."

The same expression 'disqualified for being chosen' occurs in section 36(2)(a) which is relevant in this case and, therefore, it must be given the same meaning with reference to the 'date fixed for scrutiny of nomination' which expression has been substituted by Act No 40 of 1961 for that the 'candidate' with effect from 20-9-1961, subsequent to this decision.

17 In *Pashupati Nath v Harihar Prasad* AIR 1968 SC 1064 the question was whether there was improper rejection of the nomination of a candidate. It was held that there was no improper rejection of the nomination because the disqualification for being chosen to fill the seat existed

'on the date fixed for scrutiny of nomination' which was the crucial date for deciding the existence of disqualification on the then existing facts in accordance with section 36(2)(a) of the R.P. Act, 1951. The same view was reiterated following this decision, in Hussain Khan v. Nijalingappa A.I.R. 1969 S.C. 1034. Again, in Sk. Abdul Rehman v. Jagat Ram A.I.R. 1969 S.C. 1111, the view expressed in Pashupati Nath's case was followed, while construing analogous provisions in the Constitution and the R.P. Act of Jammu and Kashmir. The ratio in Pashupati Nath's case was summarised to be that the nomination paper was liable to be rejected under section 36(2)(a) of the R.P. Act, 1951, if the qualification required by Art. 173(a) of the Constitution did not exist 'on the date of scrutiny of nominations'. Thus, 'date of scrutiny' was held to be the crucial date for taking into account the existing facts to determine the qualification or disqualification of a candidate. Art. 173 is mentioned as one of the relevant provisions along with Art. 102 of the Constitution and Part II of the R.P. Act, 1951, and some other provisions, in section 36(2)(a) with reference to which the qualification or disqualification of a candidate has to be seen for determining validity of the nomination. These decisions, therefore, have equal application to the present case.

18. Another decision to be noticed is Amrit Lal v. Himathbhai, A.I.R. 1968 S.C. 1455. There, the candidate whose nomination had been accepted by the returning officer did not satisfy the requirement of minimum age, according to Art. 173 of the Constitution, 'on the date of scrutiny of nominations even though he had completed that age 'on the date of election'. It was held that the requisite qualification did not exist 'on the date of scrutiny', which was the crucial date and, therefore, his nomination had to be rejected under section 36(2)(a) and a ground under section 100(1)(d)(i) to declare the election void had been made out since his nomination had been improperly accepted and he was the returned candidate. It was also held that the subsequent event of completion of the minimum qualifying age for a candidate on or before the date of election but after the date of scrutiny was of no consequence. The distinction between the grounds under s. 100(1)(a) and section 100(1)(d)(i) was also pointed out. The relevant extracts from this decision are as under :—

"It was urged that under this Article, the requirement is that the person must not be less than 25 years of age to be qualified to be chosen to fill a seat in the Legislature Assembly and, since a person can be held to be chosen when he is declared elected, all that is required by this article is that he should have attained the age of 25 years prior to the declaration of the result of the election. Similarly, reference was also made to section 100(1)(a) of the Act which is as follows".

"The argument was that under section 100(1)(a) the question that falls for determination is whether the returned candidate was not qualified on the date of his election, and the date of election must be the date when the result or the election was declared, or at the earliest the date on which the polling took place. In the present case, the result was declared on the 22nd February 1967 while the polling took place on the 18th February 1967, and before these dates the appellant had attained the age of 25 years." (para 5)

"No doubt, these arguments advanced on behalf of the appellant are correct, but, apart from these provisions, effect has to be given also to the additional provision contained in section 36(2) of the Act, which reads as under:—"

It is to be noticed that this provisions makes a departure inasmuch as it lays down that the nomination paper is to be rejected if the candidate is not qualified under Article 173 of the Constitution on the date fixed for the scrutiny of nominations. In the present case, the appellant had not attained the age of 25 years on 21st January 1967, which was the date for scrutiny of nominations. Consequently, the nomination paper of the appellant was liable to be rejected under section 36(2)(a) of the Act. Since it was liable to be rejected on this ground, it must be held that his nomination had been improperly accepted. In such a case, under section 100(1)(d),

the High Court is to declare the election void, if the result of the election, in so far as it concerns the returned candidate is found to have been materially affected. On the face of it, the consequence of the improper acceptance of the nomination of the appellant was that the result of the election was materially affected, because he was declared as duly elected when he was not entitled to that right on the ground that his nomination paper should have been rejected by the Returning Officer under section 36(2)(a) of the Act. The election of the appellant had to be declared as void in these circumstances by the High Court not under section 100(1)(a) but under section 100(1)(d)(i) of the Act. The order made by the High Court setting aside the election of the appellant is, therefore, in accordance with the law. There is no ground for interfering with it." (Para 6).

This decision also clearly lays down that the ground under section 100(1)(d)(i) can be made out even where the disqualification ceases of qualification is acquired after the date of scrutiny and prior to the date of election so as to negative the ground under section 100(1)(a). For the ground under section 100(1)(a) subsequent events coming into existence after the date of scrutiny are relevant but not so far the ground under section 100(1)(d)(i) for which only those facts which exist on the date of scrutiny are relevant.

19. The decision of the Supreme Court in Chandanlal v. Ram Dass (1972) 41 E.L.R. 214, places this matter beyond controversy. Their Lordships held that facts which did not at all exist on the date of scrutiny and come into existence subsequently cannot be taken into account in order to consider the propriety of the rejection of nomination. Rejection of the nomination by the returning officer on the date of scrutiny could only be justified if it was based on facts existing on the time of scrutiny. In that case, the nomination of Saloch was rejected on 23-1-1967, the date of scrutiny, on the ground that he was holding an office of profit under the Government which disqualifies him from being a candidate. Prior to the of scrutiny, the letter of appointment was issued on 19-1-1967 but it was received by Saloch after the date of scrutiny and he took charge of the post on 3-2-1967. On these facts, it was contended that the rejection of nomination of Saloch was proper and election of the returned candidate could not be declared void under section 100(1)(c) of the R.P. Act. Repelling that contention and holding that there was improper rejection of the nomination of Saloch, their Lordships stated as under :—

"Saloch, according to the finding of facts, reported to the Director of Agriculture later when he went to his office and, thereafter, he joined the post on 3rd February 1967. On the basis of these further facts, learned counsel for the appellant urged on alternative ground that at least on 3rd February 1967, Saloch became disqualified to be elected as a candidate and if so, the rejection of his nomination paper by the Returning Officer must be held to be justified. This submission has to be rejected because a rejection of the nomination paper by the Returning Officer on the date of scrutiny could only be justified and proper if it was based on facts which existed at the time of scrutiny. Facts which did not exist at all on that date and came into existence subsequently cannot be taken into account in order to consider the propriety of the order of rejection of nomination. This alternative ground also, therefore, has no force at all."

20. The contrary submission on this point of Shri Rajendra Singh learned counsel for the respondent, is based on the decision, in Manni Lal v. Parmal Lal, A.I.R. 1971 S.C. 330, which was a case dealing only with the ground under section 100(1)(a) and not with section 100(1)(d)(i). In that case, the returned candidate suffered disqualification as a result of his conviction by the trial Court after the last date for filing nominations, so that section 36(2) did not require his nomination to be rejected. The election was challenged only on the ground contained in section 100(1)(a) on the ground that 'on the date of election' the returned candidate was disqualified under section 8(2). In the appeal filed by the returned candidate against his conviction he was acquitted during the pendency of the election petition.

It was held that acquitted made in the appeal retrospectively wiped out the conviction and sentence awarded by the trial Court with effect from the date they were recorded and since the opinion about existence of the ground under section 100(1) (a) has to be formed at the time of deciding the election petition, this retrospective wiping out of conviction and sentence prior to formation of this opinion has to be taken note of. Accordingly, it was held that the ground under section 100(1)(a) was not made out. Shri Rajendra Singh argued that the same consequence must follow to remove the disqualification even on the date of scrutiny.

21. The decision in Mannilal's case relied on by Shri Rajendra Singh has to be read along with the decision in Amritlal v. Himathbhai, A.I.R. 1968 S.C. 1455, both of which are by the same Bench (J. C. Shah and V. Bhargava, JJ) and incidentally the judgment in both cases is by Bhargava, J. In Amrit Lal's case, the distinction between the grounds in section 100(1)(a) and section 100(1)(d)(i) has been pointed out and it has been held that even where the ground under section 100(1)(a) is negatived by an event happening subsequent to the date of scrutiny, the ground under section 100(1)(d)(i) may still be made out because the latter depends only on facts existing on the date of scrutiny. Amrit Lal's case clearly rules that subsequent events happening after the date of scrutiny have no relevance to the ground under section 100(1)(d)(i). In Amritlal's case the effect of subsequent event was expressly considered and while accepting it to negative the ground under section 100(1)(a), it was excluded from consideration for the purpose of section 100(1)(d)(i) which ground was held proved. Consequently, there can be no doubt that the ratio of Mannilal's case has no application to the ground under section 100(1)(d)(i) and it must be confined only to the ground under section 100(1)(a). No other reasonable view is possible from these two decisions, which cannot be treated as conflicting when it is possible to reconcile them. Acceptance of Shri Rajendra Singh's argument would also amount to overlooking other decisions of the Supreme Court already referred.

22. In the face of a string of decision of the Supreme Court consistently taking the view indicated, there is no escape from the conclusion that the question of 'improper acceptance' of a nomination within the meaning of that expression used in section 100(1)(d)(i) has to be answered with reference to section 36(2) of the Act on the basis of only those facts which existed 'on the date of scrutiny of the nominations', excluding from consideration all facts coming into existence subsequent to that date; and the disqualification if any, existing on the date of scrutiny cannot be cured by any subsequent event. The contrary submission of the learned counsel for the respondent cannot, therefore, be accepted.

23. From the above conclusion, it follows that only the facts as they existed on the date of scrutiny, i.e. 11-12-1979, in the present case, have to be taken into consideration for deciding whether the ground under section 100(1)(d)(i) is made out or not. These facts were that the respondent had been convicted and sentenced on several counts by the Sessions Judge, Delhi, to imprisonment for not less than two years; the respondent had not served any part of the sentence, execution of the same having been suspended by the trial Court and thereafter the appellate Court under section 389 Cr. P.C.; and the respondent's appeal against his convictions and sentences was pending on the date of scrutiny. The question now is whether on these facts the respondent was disqualified under section 8(2) of the R.P. Act, 1951, requiring rejection of his nomination under section 36(2)(a) in order to make out the ground under section 100(1)(d)(i). For this purpose, the requirement and meaning of section 8(2) has now to be seen.

24. According to the learned counsel for the petitioner, the disqualification under section 8(2) is attracted as soon as the conviction and sentence of imprisonment for not less than two years is recorded irrespective of the fact whether the sentence is executed or it remains suspended and continues for the specified period since his release. In other words, the two termini for fixing the total period of disqualification are the date of such conviction and the date of release, the total period being extended by deferring the date of release, if there be suspension of sentence after it is passed; and there is no other consequences of suspension of sentence. At any rate, disqualification commences automatically as soon as

much conviction is made, there being nothing to arrest it till either the conviction is set aside or the specified period expires after the date of release. On the other hand, learned counsel for the respondent has advanced a two-fold argument. He contends that the word 'convicted' in section 8(2) refers to the final conviction by the last Court where an appeal or revision has been filed and not conviction by the trial Court or a 'pro tempore' conviction liable to be set aside in appeal. On this basis, he urges that the disqualification under section 8(2) could never be attracted where the trial Court conviction is challenged in appeal and is later set aside. Section 8(2) relied on by learned counsel for the petitioner to show that it is merely an exception to section 8(2) for the benefit of sitting members is explained by Shri Rajendra Singh as indicating that no order of suspension by the appellate Court is needed by a sitting member even though it becomes necessary for a person who is not a sitting member on the date of his conviction. The other argument of Shri Rajendra Singh is that an order of suspension under section 389 Cr. P.C. has the effect of arresting the operation of section 8(2) and consequently the disqualification.

25. The arguments of Shri Rajendra Singh about the construction of section 8(2) are mutually destructive. It is not his contention that section 8(2) enacted for the benefit of sitting members is redundant. Obviously, unless there is no option any construction which renders a provision redundant has to be rejected. It is also significant that provisions analogous to sub sections (2) and (3) of section 8 in substantially same terms are continuing in the R.P. Act, 1951, laying down the disqualification on conviction making an exception only in case of sitting members, in spite of several amendments in the Act. If Shri Rajendra Singh is right in contending that the word 'convicted' in section 8(2) refers only to the final conviction by the Court of last resort, then there was no need to enact section 8(2) which benefit has all along been retained for sitting members in spite of several amendments in the Act. If mere filing of an appeal arrests the disqualification under section 8(2) and that disqualification results only from the final judgment of conviction, that would hold good for all including the sitting members and section 8(2) is superfluous. But then such an intention cannot be attributed to the legislature unless that be the only possible construction of section 8(2). In section 8(2) the expression used is 'convicted by a Court in India' which should ordinarily mean any Court; whether final or not.

26. Section 8(3) is in the nature of an exception to section 8(2) and that benefit is given only to sitting members, if they file an appeal or revision within the prescribed period. The expression 'date of conviction' in all the sub-sections of section 8 must have the same meaning as they are used in the same context. It is not doubted that the 'date of conviction' used in sub-section (3) means also the date on which conviction is made even by the trial Court. This is also obvious from the fact that there would be no occasion to file any appeal or revision against conviction made by the trial Court. This being the undoubted meaning of 'date of conviction' in sub-section (3) to indicate the starting point of disqualification incurred by virtue of sub-section (2), even by sitting members, there is no occasion to construe that expression differently for persons other than sitting members and that too when the legislature has chosen not to extend such a benefit to them. Giving the same meaning to the expression 'date of conviction' in both sub-sections, it is obvious that the respondent's contention is incorrect. Section 8(3) also indicates that mere filing of an appeal or revision by a person other than a sitting member does not arrest the disqualification under section 8(2) which automatically commences from the date of conviction. It is, therefore, not correct to say that section 8(2) is attracted only as a result of such conviction by the last Court or resort and not earlier.

27. The only cases dealing with construction of the corresponding old provisions in the R.P. Act, 1951, cited at the bar are, Udaresh Singh v. Jacat Bahadur Singh 3 E.L.R. 26, and Khagendranath V. Umesh Chandra, A.I.R. 1958 Assam 183, affirmed in Sarat Chandra v. Khagendranath A.I.R. 1961 S.C. 334. Udaresh Singh's case was a decision by Election Tribunal in which it was held that there was 'improper acceptance' of nomination of a candidate who had been so convicted and sentenced prior to his filing the nomination, even though his appeal against the conviction was pending in the Supreme Court and his sentence was suspended. This view was considered so obvious that it was actually conceded by the other side. In the Assam case, the question was of

the effect of remission granted under section 401 of the Cr. P.C. of 1908. There, the conviction of the candidate was for more than two years but he was granted remission and released without any condition after he had served the total sentence of one year and four months. It was contended that the actual sentence was curtailed to less than two years after remission and so the disqualification under old section 7(b) of the R.P. Act, 1951, corresponding to the present section 8(2) was not attracted. Repelling this contention, the Assam High Court held that remission may be effective for early release but it does not modify the period of sentence awarded by the Court which remained uncurtailed. While deciding the point, it was also observed as follows :—

"In order to attract the disqualification referred to in s. 7(b) of the Act, it is not necessary that the person should have undergone any part of the sentence imposed upon him. What is necessary is the actual sentence imposed by the Court and where the sentence is two years or above, the mischief of the section begins to operate against the person concerned."

The fact that the person had preferred an appeal against the conviction and sentence and the appeal was pending at the time when his nomination papers were being considered would not remove the disqualification under section 7(b) except in the case of a sitting member, who has been convicted after his election as provided under s. 8(a) of the Act.

An illustration in point is the decision of the Election Tribunal in Udalnath Singh v. Jagat Bahadur Singh, 3 Ele. L.R. 26, on which reliance has been placed by the learned Advocate General. The Tribunal there rightly observed that there was nothing in Clause (b) of S. 7 of the Act to indicate that execution of the sentence was necessary to disqualify a convicted person to offer himself as a candidate for the election and nothing could be read in the section, which was actually not there."

28. The Supreme Court in Sarat Chandra v. Khagendra Nath A.I.R. 1961 S.C. 334, affirmed the decision of the Assam High Court and its view about the effect of an order of remission. The Supreme Court pointed out that section 7(b) speaks of conviction and sentence passed by a Court of law, it does not speak of the period of imprisonment actually suffered by the convicted person. The Supreme Court, however, made no reference either way to the effect of a pending appeal against conviction. No decision taking a contrary view of this provision has been cited before me.

29. The result, therefore, is that the legislature which is presumed to have known this construction made is judicial decisions of this provision did not choose to alter the same even though several amendments have been made in the Act thereafter. This shows that the above construction is in consonance with the legislative intent and has its approval. [See Veluswami v. Rajaj Nainar, A.I.R. 1959 S.C. 422, para 13] It is at least to this extent that the decision in Udalnath Singh v. Jagat Bahadur Singh 3 E.L.R. 26; and Khagendra Nath v. Umesh Chandra, A.I.R. 1958 Assam 183, are relevant. I may also add with respect, that I am in full agreement with the Assam High Court's view expressed in the above extract which applies equally to the construction of the present section 8(2) and (3) of the R.P. Act which are corresponding provisions.

30. The decision in Mannilal v. Palmai Lal, A.I.R. 1971 S.C. 330, also indicates that the word 'convicted' in section 8(2) does not mean final conviction by the Court of last resort and not conviction by the trial Court itself. If the learned counsel for the respondent is right, then this reason alone was sufficient to hold that the disqualification under section 8(2) was never attracted because of acquittal in appeal. But this is not what the Supreme Court said. It said that the disqualification under section 8(2) which existed as a fact on account of the trial Court's conviction and sentence was wiped out retrospectively to negative the ground under section 100(1)(a). It is obvious that no question of wiping out the disqualification would arise unless it had existed as a result of the trial Court's judgment of conviction and sentence. Moreover, the Supreme Court clearly said that disqualification existed as a fact from the date of trial Court's

judgment. This too is a clear pronouncement to negative the contention that section S. (2) is not attracted by the trial Court's judgment of conviction and sentence and remains in abeyance till confirmation by the final Court.

31. Shri Rajendra Singh also placed reliance on Dilip Kumar v. State of M.P. A.I.R. 1976 S.C. 133. That was a case dealing with the construction of section 303 IPC to find the meaning of the expression 'under sentence of imprisonment for life' used therein. The real question was whether there should be a subsisting life sentence at the time of commission of murder or at the time of conviction for murder. It was held that the relevant time is the date of conviction and not the date of crime, since the words 'whoever commits murder' in section 303 should be construed to mean 'whoever is proved to have committed murder'. In that case, the accused was convicted of a murder and sentenced to life imprisonment by the Sessions Court. He preferred an appeal to the High Court and while on bail during the pendency of that appeal, he committed another murder. For the subsequent murder he was sentenced to death by the Sessions Court under section 303 IPC. The High Court thereafter acquitted the accused in the appeal against the first conviction. Question then arose whether after acquittal in the earlier appeal, conviction could still be maintained for the subsequent murder under section 303 IPC. The High Court applied section 303 on these facts but the Supreme Court reserved that view holding that on the date of conviction by the High Court for the subsequent murder, there was no subsisting life sentence, the accused having been acquitted in the earlier appeal. In this context it was pointed out that an order of acquittal wipes out the guilt and turpitude attaching to the previous conviction, as if the same did not exist.

32. This decision relating to the construction of section 303 IPC does not support the contention that the word 'convicted' wherever it occurs, means only final conviction by the Court of last resort. The expression for construction in that case was different. Moreover, in para 6 of the judgment of Chandrachud, J. (as he then was), it has been clearly stated that the Sessions Judge had no option in the matter of sentence because when it found the accused guilty of the subsequent murder, he was 'under sentence of imprisonment for life' imposed in the earlier case and, therefore, award of death penalty under section 303 IPC by the Sessions Judge was justified. If Shri Rajendra Singh is right in his reading of this decision, then the view taken by the Sessions Judge would also have been held wrong because an appeal against conviction in the earlier case was already pending in the High Court at the time of decision by the Sessions Judge and was actually allowed later which gave rise to this controversy. Even applicability of Section 303 IPC was held to be dependent on facts existing when it was to be applied, without taking into account the pendency of appeal against earlier conviction and the possibility of acquittal therein. For this reason, in Dilip Kumar's case the Sessions Judge was held to be right and the High Court wrong.

33. The question now is of the effect of suspension of the sentence by the appellate Court. Section 389 Cr. P.C. which gives this power to the first Court till filing of appeal and then to the appellate Court enables suspension of execution of the sentence or order appealed from. It is only the execution which is suspended and nothing more with the result that the sentence awarded is not to be suffered during the pendency of the appeal even though it subsists and the appellant is released on bail. There is no indication in section 8(2) of the R.P. Act that the disqualification thereunder remains in abeyance during the pendency of appeal against conviction. On the other hand, section 8(3) gives the contrary indication by laying down an exception only in case of sitting members. Suspension of execution of the sentence or order and grant of bail under section 389 Cr. P.C. has the only effect of avoiding sufferance of sentence pending appeal, but then in order to attract the disqualification under section 8(2) it is not necessary to suffer any part of the sentence awarded. This has also been held by the Supreme Court in Sharda Chandra case (Supra). That decision also indicates that suspension of sentence does not wipe out the conviction and sentence. It was held that 'a reprieve is a temporary suspension of the sentence which does not wipe it out; all that it does is to have an effect on the execution of the sentence.' If suspension of sentence during pendency of an appeal does not have the effect of wiping it out, it is difficult to accept the contention that the disqualification under section 8(2) remains arrested or in abeyance during operation of the

suspension order pending appeal against the conviction and sentence. This is more so, when in section 8(2) there is nothing to support this view and section 8(3) gives contrary indication.

34. Shri Rajendra Singh referred to *Mahatab Singh v. State of U.P.* A.I.R. 1979 S.C. 1263, for the effect of suspension under section 389 Cr. P.C. That case holds that the limitations does not start to run under section 70 IPC during the period of stay or suspension of fine granted by the appellate Court. For computing the limitation for recovery of fine, it was held that the period during which it could not be recovered on account of the suspension order must be excluded. It is difficult to see how this decision assists the respondent. Reliance was placed on para 6 of the decision which says 'if sentence of fine is so suspended, it ceases to be in force *pre-tempore*.' Obviously this is so for the purpose of recovery of the fine under section 70 IPC which is a process in execution and cannot, therefore, be commenced during suspension of execution of the sentence or order under section 389 Cr. P.C. This decision has no application here and relates only to the effect of suspension for the purpose of execution of the sentence or order. Section 8(2) of the R.P. Act does not require execution of the sentence or any part of it, to attract the disqualification and the mere making of such conviction is sufficient for its compliance. This is clearly laid down in *Sarat Chandra's case*, A.I.R. 1961 S.C. 334, as under :

"It is also well to remember that S. 7(b) speaks of the conviction and sentence passed by a court of law, it does not speak of the period of imprisonment actually suffered by the convicted person."

Assam High Court's decision on this point which was expressly approved also pointed out that suffering any part of the sentence awarded is not necessary to attract and incur the disqualification. It is, therefore, not possible to accept the contention of the respondent that suspension of the sentence under section 389 Cr. P.C. arrested the operation of section 8(2) of the R.P. Act to avoid disqualifying him at the last election.

35. Shri Rajendra Singh relying on *Annamalay v. Thornhill* A.I.R. 1931 P.C. 263, and *Mohammed Gul v. Emperor*, A.I.R. 1932 Nag. 121 also contended that an appeal is a continuation of the trial and therefore, it is conviction by the final Court of resort which is intended to attract the disqualification laid down in section 8(2). There can be no dispute with the proposition laid down in these cases but they do not assist in construing section 8(2) of the R.P. Act in the manner suggested by Shri Rajendra Singh. Reason for taking this view have already been given. These two decisions are to be read in the context in which they were made and that was entirely different.

36. Learned counsel for the respondent also contended that rejection of his construction of section 8(2) that the conviction referred therein is the final conviction made by the last Court of resort and suspension of sentence by the appellate Court arrests the disqualification, would lead to great hardship as it would exclude from the election contest persons who have suffered conviction and sentence of not less than two years even though their appeal be pending leading to ultimate acquittal. Such a consequence cannot, however, be averted since that appears to be the legislative intent also and the provision being clear it is for the legislature to stem in and avoid the consequence by a suitable amendment, if it so desires. As already pointed out in spite of several amendments made in the Act, the legislature has not thought if fit to amend this provision to give it the meaning suggested by the counsel for the respondent. It is also significant that in spite of the provision being understood in this manner as interpreted in the decision in *Udainath Singh V. Jagat Bahadur Singh* 3 E.I.R. 26, and *Khagendranath v. Umesh Chandra*, A.I.R. 1958 Assam 183, there being no contrary decision cited, the legislature with this knowledge has chosen to retain the provisions in the same terms. This too indicates that the judicial interpretation so made in these decisions has the approval of the legislature. The Supreme Court in *Sarat Chandra's case* (A.I.R. 1961 S.C. 334) has affirmed the Assam view and not expressed any disapproval on this point. It is, therefore, not open to this Court to accept the respondent's construction made of section 8(2) which is also contrary to

the above quoted Supreme Court decisions by which this Court is bound. Without getting over these Supreme Court decisions, respondent's contention cannot be accepted and that this Court cannot do. If the respondent be right, it is possible only for the Supreme Court to alter its earlier view taken in the above quoted decisions but not for this Court to overlook or ignore them.

37. There is another reason for rejecting the respondent's construction of section 8(2). When the stage for considering the validity of nomination is the date of scrutiny, how can it be said that this particular disqualification must depend on the ultimate outcome of a pending appeal against conviction so that the candidate would be disqualified after election, if the appeal fails and qualified, if it succeeds? Such an uncertain test depending on an unknown future event could never have been intended by the legislature and it being an unreasonable view has to be discarded when the plain construction indicates the opposite. If the respondent be right, then a part of the cause of action for the grounds relating to improper rejection or acceptance of nomination under section 100(1)(e) or section 100(1)(d)(i) as the case may be, would come into existence only after filing the election petition and its decision would also depend on the fortuitous circumstance of the appeal against conviction being decided during the pendency of the election petition. In this very case, if the respondent's appeal against conviction had been still pending, which is nothing unusual in view of long pendency of such cases, and this petition had to be disposed of expeditiously according to the practice of expeditious disposal of election petitions and the requirement of section 86(7) of the R.P. Act, could it be claimed that the election petition be kept pending to await the final outcome of the criminal appeal? At least there is no such provision made in the law and if section 8(2) has the meaning suggested by the respondent's counsel, care would have been taken by the legislature to provide for such an obvious eventuality particularly when it required expeditious disposal of election petitions by S. 86(7), if possible within six months. There is another aspect of this matter. Assuming the respondent's nomination had been rejected by the returning officer on these facts, could he file an election petition on the ground of improper rejection of nomination under section 100(1)(c) and succeed if his criminal appeal had not been decided? Would the fate of that petition depend on the fortuitous circumstance of the ultimate decision of criminal appeal during the pendency of the petition, so that if he was acquitted, the ground was to be held proved and if convicted, the ground rejected. Surely, the legislature would not provide a ground of challenge dependent on such vagaries.

38. There appears no indication that the legislature has enacted section 8(2) to lead to this uncertain result depending on some fortuitous circumstances in the future, even though it is required to be taken into account on the date of scrutiny by the returning officer to determine validity of the nominations. A list is to be commenced on an existing cause of action and if no such cause of action is disclosed at the commencement of the list, it is liable to be thrown out without going to trial as there is nothing to try. Subsequent events are ordinarily not to be taken into account, except for the purpose of moulding the ultimate belief. If it has become inappropriate. If this is the general law which applies also to trial of election petitions, it is difficult to accept an argument which results in a subsequent event forming a part of the cause of action. The ground under section 100(1)(c) or section 100(1)(d) (i) of the R.P. Act must be made out by stating material facts constituting the cause of action in the petition itself. This cannot be done if any subsequent event forms part of the cause of action. Surely the legislature could not require this ground for setting aside the election to be pleaded in the petition which has to be filed within fortyfive days of the election, if a future event was to decide the existence of that ground.

39. The object of this provision clearly is to exclude from the election arena all persons who have a subsisting conviction and sentence of not less than two years on the date of scrutiny in order to assure beyond doubt the qualifications of contesting candidates and to obviate a fresh election made necessary due to doubtful qualifications. The only exception made is in the case of sitting members by virtue of s. 837 to enable continuity in their tenure till the final Court decides their criminal case. No such continuity is needed for others, they being already out of the legislature. Otherwise, section

8(3) makes no sense and is redundant which intention cannot be attributed to the legislature. Right to contest election is a statutory right and can be exercised only in the manner prescribed by the statute. Section 8(2) is a part of the statute and the right is subject to it. There is thus no hardship as suggested by the learned counsel for the respondent.

40. As a result of the aforesaid discussion, it follows that the contentions advanced on behalf of the respondent have no force and must be rejected, while these or the petitioner's counsel accepted. The respondent was clearly disqualifed for being chosen as a candidate at the last Lok Sabha election by virtue of the disqualification incurred by him under section 8(2) of the R.P. Act, 1951 and, therefore, his nomination paper had to be received by the returning officer in accordance with section 36(2)(a) of the Act. Acceptance of his nomination was accordingly improper which has materially affected the result of election, and the ground under section 100(1)(d)(i) of the Act is made out to declare his election void. The ground under section 100(1)(a) is not pressed.

41. On the above findings, my answer to the issues framed in this petition are as under :—

Issue No. 1.—Not pressed.

Issue No. 2.—Yes.

Issue No. 3.—Respondent's election is declared void under section 100(1)(d)(i) of the R.P. Act 1951.

42. Consequently, this petition is allowed. The respondent's election is declared to be void on the ground contained in section 100(1)(d)(i) of the R.P. Act, 1951. The petitioner shall get his costs from the respondent. Counsel's fee Rs. 500, if certified.

Sd/- J. S. VERMA
JUDGE
5-9-1980.

का० आ० 2674—लोक प्रतिनिधित्व प्रधिनियम 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचित आयोग, सन् 1980 की निर्वाचित अर्जी संख्या 7 में विए गए अस्वीकृत उच्च न्यायालय के नारीख 4 जुलाई, 1980 के आदेश पत्रद्वारा प्रकाशित करता है।

[संख्या 82/वा०ना०ह०/1/80)]

ग्रावेण से

मी० एन० रोज, प्रबन्ध सचिव

S.O. 2674.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the order pronounced on 4th July 1980, by the High Court of Judicature at Bombay in Election Petition No. 7 of 1980.

[No. 82/DNH/1/80]

By Order,
C. L. ROSE, Under Secy.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Election Pet. 7 of 1980

The Hon'ble Shri Justice M. H. Kania.

Ashok Kumar Badrinath Basina. . . Petitioner.

Vs.

Mahla Ramji Potia. . . Respondent.

Shri M. M. Bhatt—for the Petitioner.

Coram : KNIA, J.
4th July, 1980

ORDER :

This election petition is being presented for acceptance under section 81(1) of the Representation of the People Act, 1951. It is the admitted position that the petition has been filed more than 45 days after the date of election of the returned candidate viz. the respondent. It is further the admitted position that the petitioner has not complied with the provisions of sub-section (3) of section 81 of the said Act in that he has not supplied copies as required by that sub-section. There is also admitted non-compliance with section 117 of the said Act as the petitioner has failed to furnish security for costs as required therein. No application to remedy these acts of non-compliance is made before me. In these circumstances, the petition is summarily dismissed under section 86 of the said Act. The office to notify the dismissal of the election petition to the Election Commission and the Speaker, Lok Sabha, New Delhi.

ग्रावेण

नई विल्ही, 21 अगस्त, 1980

का० आ० 2675.—यह, निर्वाचित आयोग का समाधान हो गया है कि जनवरी, 1980 में दूष लोक सभा के लिए माध्यारण निर्वाचित के लिए 1-कुच बिहार (प्र०जा०) निर्वाचित क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री धर्मनारायण बर्मन, प्रा० हरिपुर, प००प्रा० तुफानगंज जिला कुच बिहार, पश्चिम बंगाल लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा तद्योग बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्यायों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

ओर यह, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचित आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए इस आदेश का नारीख से तीन वर्ष की कालाधिक के लिए निर्गम्भी घोषित करता है,

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचित आयोग एतद्वारा उक्त श्री धर्मनारायण बर्मन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के मध्यम चुने जाने और होने के लिए इस आदेश का नारीख से तीन वर्ष की कालाधिक के लिए निर्गम्भी घोषित करता है।

[सं० प्रधिक्रम वगाल-न०००/1/80]

ORDER

New Delhi, the 21st August, 1980

S.O. 2675.—Whereas the Election Commission is satisfied that Shri Dharma Narayan Barman, Village Haripur, P.O. Tufanganj, District Cooch-Behar, West Bengal a contesting candidate for general election to the House of the People, from 1-Cooch-Behar (SC) constituency, held in January, 1980, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dharma Narayan Barman, to be disqualifed for being chosen and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-HP/1/80]

का० आ० 2676.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 11 कृष्णनगर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अश्वन कुमार चिह्नाय माणिकटोया गर्वेंट हाउसिंग प्लॉट, लोक ए 1, प्लॉट 2 वर्क कम निर्वाचन सेन्टर, कलकत्ता 54 लोक प्रतिनिधित्व अधिनियम, 1951 तथा नदीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्यर्थों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10 के प्रनुसार में निर्वाचन आयोग एतद्वारा उक्त श्री प्रश्न कुमार चिह्नाय को संसद के किसी भी सदन के या किसी राज्य का विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निर्वाचन घोषित करता है।

[स० परिचय बंगाल स० स०/11/80]

S.O. 2676.—Whereas the Election Commission is satisfied that Shri Arun Kumar Biswas, Manicktola Government Housing Estate, Block-A-I, Flat-2, Work-cum-living centre, Calcutta-54 a contesting candidate for general election to the House of the people from 11-Krishnagar Parliamentary constituency, held in January, 1980, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Arun Kumar Biswas, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-HP/11/80]

आदेश

नई बिल्ली, 25 अगस्त, 1980

का० आ० 2677.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 6 बालुरघाट (आ०जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नारायणचन्द्र, भरकार, ग्राम दारीमनपुर, पोस्ट बालैल, पी० एस० हैमना बाद, शिला परिचय बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्यर्थों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है।

यतः अब, उक्त अधिनियम की धारा 10 के प्रनुसार में निर्वाचन आयोग एतद्वारा उक्त श्री नारायण चन्द्र भरकार को संसद के किसी

भी सदन के या किसी राज्य का विधान सभा अथवा विधान परिषद के गदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष के लिए कालावधि के लिए निर्वाचन घोषित करता है।

[स० परिचय बंगाल स० स०/6/80]

ORDER

New Delhi, the 25th August, 1980

S.O. 2677.—Whereas the Election Commission is satisfied that Shri Narayan Chandra Sarkar, Village Darimanpur, P.O. Bhonail, P.S. Hemtabad, District West Dinajpur, West Bengal, a contesting candidate for general election to the House of the People from 6-Balurghat (SC) Parliamentary constituency, held in January, 1980, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Narayan Chandra Sarkar, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-HP/6/80]

का० आ० 2678.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 38 आसनसोल निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जयशंकर चौधरी, आ० एम० एम० बलूरु, को० डी०/20/12, पी० बर्नपुर जिला बर्द्दान, परिचय बंगाल लोक प्रतिनिधित्व अधिनियम, 1951 तथा नदीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्यर्थों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 के प्रनुसार में निर्वाचन आयोग एतद्वारा उक्त श्री जयशंकर चौधरी को संसद के किसी भी सदन के या किसी राज्य का विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष के कालावधि के लिए निर्वाचन घोषित करता है।

[स० परिचय बंगाल स० स०/38/80]

S.O. 2678.—Whereas the Election Commission is satisfied that Shri Joy Shankar Chowdhury, I.S.W. Colony, Burnpur, KD/20/12, P.O. Burnpur, District Burdwan, West Bengal, a contesting candidate for general election to the House of the People from 38-Asansol Parliamentary constituency, held in January, 1980, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Joy Shankar Chowdhury, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-HP/38/80]

By order,
S. C. JAIN, Under Secy.

आवेदन

नई दिल्ली, 16 सितम्बर, 1980

का० आ० 2679.—यतः निर्वाचित आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचित के लिए चन्डीगढ़ संसदीय निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री आंकार नाथ जी, गुरु गोरख नाथ आश्रम, टाउन रोड, रेलवे स्टेशन चौक के पास, चन्डीगढ़ लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदीन बनाए गए नियमों द्वारा अपने निर्वाचित आयोग का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अधिकार स्पष्टीकरण नहीं दिया है और निर्वाचित आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

यतः प्रबः, उक्त उम्मीदवार ने, साधारण निर्वाचित के लिए अनुमति एवं विधान सभा अधिकार संसद ने उक्त श्री आंकार नाथ जी को संसद ने उक्त श्री आंकार नाथ जी को संसद के लिए अनुमति दी है और इस असफलता के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० चन्डीगढ़-स०० सं०/80(1)]

ORDER

New Delhi, the 16th September, 1980

S.O. 2679.—Whereas the Election Commission is satisfied that Shri Onkar Nath Ji, Guru Gorakh Nath Ashram, Town Road, Near Railway Station Chowk, Chandigarh, a contesting candidate for general election to the House of the People held in January, 1980 from Chandigarh parliamentary constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Onkar Nath Ji to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. CH-HP/80(1)]

आवेदन

का० आ० 2680.—यतः निर्वाचित आयोग ना गमाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचित के लिए चन्डीगढ़ संसदीय निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रमेश राम प्रेमी, मकान नं० 3492, सेक्टर 23 ई, चन्डीगढ़-लोक प्रति-

निधित्व अधिनियम, 1951 ने उद्धीश्वर बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित आयोग का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार ने सम्यक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण नहीं दिया है और निर्वाचित आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

यतः प्रबः, उक्त अधिनियम की धारा 10 के अनुमति में निर्वाचित आयोग एवं द्वारा उक्त श्री वीरबल राम प्रेमी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अधिकार संविधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० चन्डीगढ़-स०० सं०/80(2)]

ORDER

S.O. 2680.—Whereas the Election Commission is satisfied that Shri Birbal Ram Premi, House No. 3492, Sector 23-D, Chandigarh, a contesting candidate for general election to the House of the People held in January, 1980 from Chandigarh parliamentary constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Birbal Ram Premi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. CH-HP/80(2)]

आवेदन

का० आ० 2681.—यतः फ.वर्डिन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचित के लिए चन्डीगढ़ संसदीय निर्वाचित क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मनमोहन सूद, मकान नं० 1097, सेक्टर 21 बी, चन्डीगढ़-लोक प्रति-

निधित्व अधिनियम, 1951 तथा तदीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचितों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अधिकार स्पष्टीकरण नहीं दिया है और निर्वाचित आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

यतः प्रबः, उक्त उम्मीदवार ने, किसी भी सदन के किसी भी सदन के या किसी राज्य की विधान सभा अधिकार संविधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० चन्डीगढ़-स०० सं०/80(3)]

ORDER

S.O. 2681.—Whereas the Election Commission is satisfied that Shri Manmohan Sood, House No. 1097, Sector 21-B, Chandigarh, a contesting candidate for general election to the House of the People held in January, 1980 from Chandigarh parliamentary constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Manmohan Sood to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. CH-HP/80(3)]

आदेश

का० आ० 2682.—यतः, निर्वाचित आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचित के लिए चन्डीगढ़ संसदीय निर्वाचित-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री यश अग्रवाल, मकान नं० 501, सेक्टर 7-सी, चन्डीगढ़ लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीत बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचित आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचित आयोग एतद्वारा उक्त श्री यश अग्रवाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्दिष्ट घोषित करता है।

[स० चन्डीगढ़-स० स०/80(4)]

ORDER

S.O. 2682.—Whereas the Election Commission is satisfied that Shri Yash Aggarwal, House No. 501, Sector 7-B, Chandigarh, a contesting candidate for general election to the House of the People held in January, 1980 from Chandigarh parliamentary constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Yash Aggarwal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. CH-HP/80(4)]

आदेश

का० आ० 2683.—यतः, निर्वाचित आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए माधारण निर्वाचित के लिए चन्डीगढ़ संसदीय निर्वाचित क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सूर्य नारायण, मकान नं० 1056, सेक्टर 18-सी, चन्डीगढ़ लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीत बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचित आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं हैं;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचित आयोग एतद्वारा उक्त श्री सूर्य नारायण को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुन जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्दिष्ट घोषित करता है।

[स० चन्डीगढ़-स० स०/80(5)]

आदेश से,

एस० सी० जैन, अवर सचिव

ORDER

S.O. 2683.—Whereas the Election Commission is satisfied that Shri Surya Narayan, House No. 1056, Sector 18-C, Chandigarh, a contesting candidate for general election to the House of the People held in January, 1980 from Chandigarh parliamentary constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Surya Narayan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. CH-HP/80(5)]
By order,

S. C. JAIN, Under Secy, Election Commission of India.

आदेश

नई दिल्ली, 9 सितम्बर, 1980

का० आ० 2684.—यतः, निर्वाचित आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचित के लिए 22-राजमपेट निर्वाचित-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री टी० पोथाना, थुडुमवारीपाली, पी० कन्दूर, सामुक पुनगानूर, जिला चित्तूर (आन्ध्र प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीत बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचित आयोग एतद्वारा उक्त श्री टी० पोथाना को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुन जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्दिष्ट घोषित करता है।

[स० आ० प्र०-स० स०/22/80(15)]
आदेश से,
पोथाना, अवर सचिव

ORDER

New Delhi, the 9th September, 1980

S.O. 2684.—Whereas the Election Commission is satisfied that Shri T. Pothanna, Thudumvaripalle, Kandur Post, Punganur Taluk, Chittoor District (Andhra Pradesh), a

contesting candidate for general election to the House of the People held in January, 1980 from 22-Rajampet constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri T. Pothanna to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/22/80(15)]

By order,
DHARAM VIR, Under Secy.
Election Commission of India.

नई दिल्ली, 12 सितम्बर, 1980

का०.आ० 2685.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13 की उपधारा (1) द्वारा प्रवर्तन शक्तियों का प्रयोग करते हुए, भारत नियोजन आयोग; कर्नाटक सरकार के परामर्श से प्रवकाश पर गए श्री आर० सम्पत कुमारन के स्थान पर श्री के० आर० चमैया, सरकार के विशेष मतिविधि तथा संसदीय कार्य विभाग को 22 सितम्बर, 1980 से कर्नाटक राज्य के मुख्य नियोजन अधिकारी के रूप में एतद्वारा नामनियुक्त करता है।

[सं० 154/कर्नाटक/80]

प्रावेश से,
श्री० नागसुब्रमण्यन, सचिव

New Delhi, the 12th September, 1980

S.O. 2685.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Government of Karnataka hereby nominates Shri K. R. Chamaiah, Special Secretary to Government, Department of Law and Parliamentary Affairs as the Chief Electoral Officer for the State of Karnataka with effect from the 22nd September, 1980 vice Shri R. Sampath Kumaran, granted leave.

[No. 154/Karnataka/80]

By order,
V. NAGASUBRAMANIAN, Secy.

New Delhi, the 29th September, 1980

S.O. 2686.—In pursuance of sub-section (a) of the Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgment dated the 5th September, 1980 of the High Court of Judicature at Allahabad, in Election Petition No. 14 of 1980.

[No. 82/UP/1/80(Ahd.)]
By order,

K. GANESAN, Secy, Election Commission of India.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD CIVIL SIDE
APPELLATE JURISDICTION

Dated Allahabad the 5th day of September, 1980.

PRESENT :

The Hon'ble S. Malik
Lakshmi Raman Acharya . . Vs. Judge.
Chaudhari Digamber
Singh.

By the Court

By this Election Petition Lakshmi Raman Acharya, one of the defeated candidates for the Lok Sabha constituency Seat No. 74 (Mathura), Challenged the election of Chaudhari Digamber Singh, the respondent, from the said Constituency. The date of polling was 3rd January, 1980 and the result was declared on the 8th of January, 1980. The petition was presented to this Court on 26th February, 1980 along with an application under section 5 of the Limitation Act for condonation of the delay of about four days in presenting the petition. The limitation, it may be mentioned, for presenting the petition expired on the 22nd of February, 1980.

A preliminary objection was raised on behalf of the respondent and it was urged that the petition is liable to be rejected as time barred as section 5 of the Limitation Act is not applicable to this case in view of the provisions of sections 81 and 86 of the Representation of the People Act (hereinafter referred to as the Act).

The petition of the Court was drawn to the observations made by the Supreme Court in Hukumdev Narain Yadav vs. Lalit Narain Misra (A.I.R. 1974 S.C. 480). A number of other rulings by the Supreme Court were cited, but they are not relevant for the purposes of this case. It may be mentioned that it is now the established view of the Supreme Court that in view of section 29(2) of the Limitation Act, 1963, section 5 of the Limitation Act will apply even though the period of Limitation is found to have been laid down in a special Act, unless the application of section 5 of the Limitation Act has been expressly excluded by the provisions of the special Act, which must appear to be a complete and self-contained code as regards limitation. In *Bukumdev Narain Yadav v. Lalit Narain Misra* (Supra) the Supreme Court has clearly held that the Representation of People Act is a complete Code as regards limitation for the presentation of an Election petition and in view of section 86 of the Act, the provisions of section 5 of the Limitation Act stand expressly excluded. Section 81 of the Act lays down that an Election petition must be presented to the High Court within 45 days from the date of the election of the returned candidate, while section 86 of the Act lays down that the High Court shall dismiss an Election petition which does not comply with the provisions of section 81 of the Act. Under the circumstances, there remains no scope for the application of section 5 of the Limitation Act and the provisions of section 86 of the Act read with those of section 81 must be deemed to expressly exclude the application of section 5 of the Limitation Act in respect of an Election Petition presented under section 31 of the Act.

Under the circumstances, the petition is rejected as time-barred and the application under section 5 of the Limitation Act also stands rejected. As the petition has been rejected on a preliminary objection, I award Rs. 100 and as costs to the respondent.

As required under section 103 of the Act, let this decision be intimated to the Election Commission and the Speaker of the House of parliament.

Dated : 5.9.1980.

Sd/-

S.M.

गृह भंडालाय

नई दिल्ली, 25 सितम्बर, 1980

का० आ० 2687.—प्रांध प्रदेश प्रशासनिक अधिकरण आवेदा, 1975 [ना० 19 महि, 1975 का जी एम आर 225 (इ)] के पैरा 4 द्वारा प्रवर्तन शक्तियों का प्रयोग करते हुए, राष्ट्रपति, प्रांध प्रदेश प्रशासनिक अधिकरण के सदस्य, श्री राजेन्द्र लाल को, उक्त अधिकरण के अध्यक्ष, न्यायमूर्ति श्री एस० पी० मिंडा की 18 सितम्बर, 1980 से 26 सितम्बर, 1980 तक (दोनों दिन शामिल) को लूटटी की अवधि के दौरान उनकी अत्युपनिषत्ति की अवधि में, अध्यक्ष के पद के कर्तव्यों का नियावेत करने के लिये नियुक्त करते हैं।

[सं० एम० 21013/5/80-एम० आर०]

श्री० पी० कालड़ा, गवर सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 25th September, 1980

S.O. 2687.—In exercise of the powers conferred by paragraph 4 of the Andhra Pradesh Administrative Tribunal Order, 1975 (GSR. 285(E) dated the 19th May, 1975), the President is pleased to appoint Shri Rajendra Lal, a member of the Andhra Pradesh Administrative Tribunal, to perform the duties of the office of Chairman during the period of absence of Shri Justice S. P. Sinha, the Chairman of the said Tribunal on leave from 16th September, 1980 to the 26th September, 1980 (both days inclusive).

[No. S-21013/5/80-SR]

O. P. KALRA, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 16 अगस्त, 1980

का० आ० 2688.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 20 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के वित्त मंत्रालय (राजस्व विभाग) की 24 मई 1980 की अधिसूचना सं० 11/80-स्टाम्प-का० सं० 33/13/80-वि० क० (का० आ० सं० 1417) का अधिलंबन करने हए, केन्द्रीय सरकार, एतद्वारा, स्टाम्प शुल्क की संगणना के प्रयोजनाये, नीचे की सारणी के स्तम्भ (2) में विविहित विवेशी मुद्रा को भारतीय मुद्रा में सम्पर्कित करने के लिए, विनियम की वर उसके स्तम्भ 3 में नवम्बरन्दी प्रविहित में विहित करती है।

सारणी

नम सं०	विवेशी मुद्रा	100 रुपये के बाबत की विवेशी मुद्रा के विनियम की दर
1	2	3
1	आस्ट्रियन शिलिंग	157
2	आस्ट्रेलियन डॉलर	10.82
3	बेल्जियन फ्रैन्क	352
4	कनाडियन डॉलर	14.43
5	डेनिश क्रोनर	68.70
6	डून्गे मार्क	22.20
7	डच गिल्डर	24.30
8	फ्रैन्च फ्रैन्क	51.50
9	हॉगार्ड कॉर्टेंग डॉलर	61.40
10	इटालियन लिरा	104.90
11	जापानी येन	2868
12	मलेशियन डॉलर	26.80
13	नोर्वेगियन क्रोनर	60.80
14	पौंड स्टर्लिंग	5.3955
15	स्वीडिश क्रोनर	52.20
16	स्विट्जरलैंड फ्रैन्स	20.50
17	उ.स.ए. डॉलर	12.68

[सं० 19/80-स्टाम्प/का० सं० 33/13/80-वि० क०]

जी० ए० मेहरा, अमर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 16th August, 1980

S.O. 2688.—In exercise of the powers conferred by sub-section (2) of section 20 of the Indian Stamp Act, 1899 (2 of 1899) and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue) No.11/80-Stamp-F.No.33/13/80-ST (No.S.O. 1417) dated the 24th May, 1980, the Central Government hereby prescribe in column (3) of the Table below the rate of exchange for the conversion of the foreign currency specified in the corresponding entry in column (2) thereof into the currency of India for the purpose of calculating stamp duty.

TABLE

S.	Foreign currency No.	Rate of exchange of foreign cur- rency equivalent to Rs. 100/-
1	2	3
1.	Austrian Schillings	157
2.	Australian Dollars	10.82
3.	Belgian Francs	352
4.	Canadian Dollars	14.43
5.	Danish Kroners	68.70
6.	Deutsche Marks	22.20
7.	Dutch Guilders	24.30
8.	French Francs	51.50
9.	Hong Kong Dollars	61.40
10.	Italian Lire	104.90
11.	Japanese Yen	2868
12.	Malaysian Dollars	26.80
13.	Norwegian Kroners	60.80
14.	Pound Sterling	5.3955
15.	Swedish Kroners	52.20
16.	Swiss Francs	20.50
17.	U.S.A. Dollars	12.68

[No. 19/80-Stamp/F.No.33/13/80-ST]

G. S. MEHRA, Under Secy.

विविहित कार्य विभाग

(वैकासन विभाग)

नई दिल्ली, 23 सितम्बर, 1980

का० आ० 2689.—वैकासन विभाग अधिनियम 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि—

(क) उक्त 'अधिनियम' की धारा 10 की उपधारा (1) के खण्ड (ग) के उप-खण्ड (i) और (ii) के उपबन्ध 25 अगस्त, 1981 तक मार्फी बैंक हैवरार्ड पर उस सेवा तक सार्व सही होंगे, जहाँ तक इनका संबन्ध उक्त बैंक के अधिकारक (कस्टडीडिप्ल्यू) और मुख्य कार्यपालक को कम्पनी अधिनियम, 1956 (1956 का 1) के अन्तर्गत पंजीकृत आन्ध्र प्रदेश ग्रौवोगिक और तकनीकी परामर्शदाता संगठन और उडीसा ग्रौवोगिक और तकनीकी परामर्शदाता संगठन के निर्देशक होने से रोकने से है; और

(ख) उक्त 'अधिनियम' की धारा 19 की उपधारा (3) के उपबन्ध 25 अगस्त, 1981 तक उपर्युक्त बैंक पर उन सेवा तक सार्व नहीं होंगे, जहाँ तक इनका संबन्ध उक्त बैंक को कम्पनी अधिनियम 1956 (1956 का 1) के अन्तर्गत पंजीकृत आन्ध्र प्रदेश ग्रौवोगिक और तकनीकी परामर्शदाता संगठन या उडीसा ग्रौवोगिक और तकनीकी परामर्शदाता संगठन के गेयरों को घारित करने से रोकने से है।

[संख्या 15/27/80-वी०ग्र०—III]

Department of Economic Affairs

(Banking Division)

New Delhi, the 23rd September, 1980

S.O. 2689.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares :

(a) that the provisions of sub-clauses (i) and (ii) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply to the Andhra Bank, Hyderabad upto 25th August 1981 insofar as the said provisions prohibit its Custodian and Chief Executive from being a director of the Andhra.

Pradesh Industrial and Technical Consultancy Organisation and Orissa Industrial and Technical Consultancy Organisation being companies registered under the Companies Act, 1956 (1 of 1956) and

(b) that the provisions of sub-section (3) of section 10 of the said Act shall not apply upto 25th August 1981 to the above mentioned bank insofar as the said provisions prohibit the said bank from holding shares in the Andhra Pradesh Industrial and Technical Consultancy Organisation and Orissa Industrial and Technical Consultancy Organisation being companies registered under the Companies Act, 1956 (1 of 1956).

[No. 15/27/80-B.O.III]

का०आ० 2690.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एन्ड्रुडारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबन्ध, और दो वर्षों तक की अवधि के लिए अर्थात् 31 मिनम्बर, 1981 तक युनाइटेड बैंक आफ इंडिया पर उस सीमा तक लागू नहीं होंगे जहाँ तक इनका संबन्ध इस बैंक द्वारा बंधकग्राही के रूप में भैसर्स बंगल ट्रस्ट पाइ इंजीनियरिंग कम्पनी (प्रा०) लिमिटेड कलकत्ता के शेयरों की धारिता से है।

[संक्ष्या 15/28/80—बी०ओ०—III]

S.O. 2690.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to the United Bank of India, Calcutta, for a further period of two years, i.e. upto 31st December 1981, in so far as they relate to its holding in the shares of M/s. Bengal Tools and Engineering Co. (P) Ltd. Calcutta, as pledgee.

[No. 15/28/80-B.O.III]

का०आ० 2691.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एन्ड्रुडारा घोषणा करती है कि उक्त अधिनियम की धारा 19 (2) के उपबन्ध, 19 अगस्त, 1981 तक की अवधि के लिए सेप्टेम्बर बैंक आफ इंडिया पर उस सीमा तक लागू नहीं होंगे जहाँ तक इनका संबन्ध इस बैंक द्वारा बंधकग्राही के रूप में भैसर्स ईडिया लेवर कारपोरेशन (पी) लिमिटेड और भैसर्स फ्रॉम लेवर कम्पनी लिमिटेड के शेयरों की धारिता से है।

[संक्ष्या 15/29/80—बी०ओ०—III]

S.O. 2691.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 19 (2) of the said Act shall not apply till 19th August 1981 to Central Bank of India, insofar as they relate to its holdings of the shares in M/s. India Leather Corporation (P) Ltd. and M/s. Chrome Leather Co. Ltd., as pledgee.

[No. 15/29/80-B.O.III]

का०आ० 2692.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एन्ड्रुडारा घोषणा करती है कि उक्त अधिनियम की धारा 19 (2) के उपबन्ध, 19 अगस्त, 1981 तक की अवधि के लिए एन्ड्रुल बैंक लिमिटेड पर उस सीमा तक लागू नहीं होंगे जहाँ तक इनका संबन्ध इस बैंक द्वारा बंधकग्राही के रूप में कलकत्ता स्ट्रीम नेवी-गेजेट कम्पनी लिमिटेड के 30 प्रतिशत से अधिक शेयरों की धारिता से है।

[संक्ष्या 15/30/80—बी०ओ०—III]

एन०डी० बता, अवर सचिव

S.O. 2692.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares, that the provision of sub-section (2) of Section 19 of the said Act shall not apply to the Grindlays Bank Ltd., Calcutta, for a further period of two years i.e. upto 5th November 1981 in so far as they relate to its holding more than 30 per cent shares in the Calcutta Steam Navigation Co. Ltd., as pledgee.

[No. 15/30/80-B.O.III]

N. D. BATRA, Under Secy.

नई दिल्ली, 23 मिनम्बर, 1980

का०आ० 2693.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एत्वद्वारा श्री असीम कुमार लाहिरी को सागर ग्रामीण बैंक अमताला का अध्यक्ष नियुक्त करती है तथा 24-9-1980 से प्रारम्भ होकर 23-9-1983 को समाप्त होने वाली अवधि के रूप में निर्धारित करती है जिसके दौरान श्री असीम कुमार लाहिरी अध्यक्ष के रूप में कार्य करेंगे।

[संक्ष्या एफ 1-20/80-प्रार०प्रार०बी०]

New Delhi, the 23rd September, 1980

S.O. 2693.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri Asim Kumar Lahiri as the Chairman of the Sagar Gramin Bank, Amatala and specifies the period commencing on the 24th September, 1980 and ending with the 23rd September, 1983 as the period for which the said Shri Asim Kumar Lahiri shall hold office as such Chairman.

[No. F. 1-20/80-RRB]

नई दिल्ली, 26 मिनम्बर, 1980

का०आ० 2694.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एत्वद्वारा श्री चन्द्रिका लाल श्रीवास्तव को भरेली ग्रामीण बैंक नाली को अध्यक्ष नियुक्त करती है तथा 27-9-1980 से प्रारम्भ होकर 26-9-1980 को समाप्त होने वाली अवधि को उम अवधि के रूप में निर्धारित करती है जिसके दौरान श्री चन्द्रिका लाल श्रीवास्तव अध्यक्ष के रूप में कार्य करेंगे।

[संक्ष्या एफ 1-3/80-प्रार०प्रार०बी०]

इन्द्रानी सेन, अवर सचिव

New Delhi, the 26th September, 1980

S.O. 2694.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri Chandrika Lal Srivastava as the Chairman of the Bareilly Kshetrika Gramin Bank, Bareilly and specifies the period commencing on the 27th September, 1980 and ending with the 26th September, 1983 as the period for which the said Shri Chandrika Lal Srivastava shall hold office as such Chairman.

[No. F. 1-3/80-RRB]

INDRANI SEN, Under Secy.

आयकर आयुक्त कार्यालय विवर

नागपुर, 26 अगस्त, 1980

कांग्रेस 2695.—चूकि केन्द्रीय मरकार की राय में यह आवश्यक भीर उत्तिन है कि वित्तीय वर्ष 1979-80 के दौरान कर के व्यतिक्रम (डिफाल्टर) निर्धारितियों जिनके माडलों में एक लाख से अधिक रुपयों की बद्दे खाते छाला गया है, के नाम और पतों को सोक हित में प्रकाशित किया जाए।

2. श्रीनगर शासकर श्रद्धिनियम की धारा 287 (1961 का 43) द्वारा प्रवत्त शक्तियों तथा ऐसी सभी शक्तियों द्वारा जिनसे इसके लिए समर्थ किया गया है, पन्न श्रद्धिनियमों का प्रयोग करते हुए केन्द्रीय मरकार आपने तारीख 26 विसंवर, 1970 के प्राप्तेश फांसं 83/108/69-प्रायटी (बी) द्वारा आयकर आयुक्त । प्रायिकृत रूप से है और निवेश देती है कि ऐसे बूककरताओं के नाम और पते प्रकाशित किए जाएं।

3. अन्त में, आयकर आयुक्त, विवर, नागपुर एवं द्वारा वित्तीय वर्ष 1979-80 के दौरान कर बूककरताओं के नाम और पते, जिनके भास्त्रों में रुपये 1 लाख से अधिक की रकम बद्दे खाते छाली गयी हैं, प्रकाशित करता हूँ।

क्रम सं०	निर्धारिती का नाम और पता	हैसियत	निर्धारित वर्ष	बद्दे खाते में डालने का डाली गई रकम	बद्दे खाते में डालने का संक्षिप्त कारण
1	2	3	4	5	6
1.	मै० सेन्ट्रल हिन्दूस्नान शारिंज एण्ड कॉल्ड स्टोरेज क० फि०, नागपुर	कंपनी	1956-57 1957-58 1958-59 1959-60 1960-61 1961-62	562.40 265.74 32,058.34 488.35 1,21,456.31 27,295.30	राशि बसूली करते के योग्य नहीं है घातः बद्दे खाते में डाली गई है ।
				1,82,126.44	
2.	मै० चोकम कॉनीग एण्ड माइनिंग प्रा०न्ति०, नागपुर	कंपनी	1958-59 1959-60 1960-61 1961-62	28,909 28,085 22,500 22,500	—वही—
				1,01,994	
3.	मै० गोवर्धनदास गोपीकिशन, गोविया	र० फर्म	1953-54 1954-55 1955-56 1956-57 1958-59	17,000 1,69,000 23,000 18,000 1,80,000	—वही—
				4,07,000	
4.	श्री दिनेश कुमार गोविन्द भाई पार्टनर मै० दुलाभाई हरिभाई पटेल, तुमसर व्यष्टि		1960-61 1961-62 1962-63 1963-64	19,465 56,016 63,296 4,234	—वही—
				1,43,011	
5.	स्व० श्री गोविन्दभाई दुलाभाई पार्टनर, मै० तुम गाई हरिभाई, तुमसर व्यष्टि		1959-60 1960-61 1961-62 1962-63 1963-64	712 26,850 57,808 52,204 9,614	—वही—
				1,56,388	

Office of the Commissioner of Income-tax, Vidarbha

Nagpur, the 26th August, 1980

S.O. 2695 —Whereas the Central Government is of the opinion that it is necessary and expedient in public interest to publish the names and addresses hereinafter specified relating to tax defaulters in whose cases amounts over Rs.1 lakh were written off during the financial year 1979-80.

2. Whereas in exercise of the powers conferred by section 287 of the Income-tax Act, 1961 (43 of 1961) and all other powers enabling it in this behalf, the Central Government by its Order F. No. 83/108/69-IT(B), dated the 26th December, 1970 authorised and directed Commissioner of Income-tax to publish the names and addresses of such tax defaulters.

3. Now, therefore, I, Commissioner of Income-tax, Vidarbha, Nagpur hereby publish the names and addresses of the tax defaulters in whose cases amounts over Rs. 1 lakh has been written off during the Financial year 1979-80.

Sr. No.	Name and Addresses of the assessee	Status	Asstt. Year	Amt. Written Off	Brief reasons for Write off
1	2	3	4	5	6
1.	M/s Central Hindustan Orange & Cold Storage Co. Ltd., Nagpur.	Company	1956-57 1957-58 1958-59 1959-60 1960-61 1961-62	562.40 265.74 32,058.34 488.35 1,21,456.31 27,295.30	Amount considered irrecoverable hence written off
				1,82,126.44	
2.	M/s. Chocks Canning & Mining Pvt. Ltd., Nagpur.	Company	1958-59 1959-60 1960-61 1961-62	28,909 28,085 22,500 22,500	-do-
				1,01,994	
3.	M/s. Goverdhandas Gopikisan, Gondia.	R.F.	1953-54 1954-55 1955-56 1956-57 1958-59	17,000 1,69,000 23,000 18,000 1,80,000	-do-
				4,07,000	
4.	Shri Dineshkumar Govindbhai P/i M/s. Individual Dullhabhai Haribhai Patel, Tumsar.		1960-61 1961-62 1962-63 1963-64	19,465 56,016 63,296 4,234	-do-
				1,43,011	
5.	Late Shri Govindbhai Dullhabhai P/i Individual M/s. Dullhabhai Haribhai, Tumsar.		1959-60 1960-61 1961-62 1962-63 1963-64	712 26,850 57,608 62,204 9,614	-do-
				1,56,388	

(Department of Textiles)

New Delhi, the 20th September, 1980

S.O. 2699—In exercise of the power, conferred under section 4(3)(b) of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby nominates Shri L. V. Saptharishi, Deputy Secretary, Department of Textiles, as a member of the Central Silk Board vice Shri S. Venugopalan, Director and makes the following further

amendment in the Notification of the Government of India in the Ministry of Industry S.O. No. 743(E), dated 20th November, 1979 namely, for the entry against Serial No. 2, the following entry shall be substituted,

“2. Shri L. V. Saptharishi, Deputy Secretary, Department of Textiles, Ministry of Commerce, New Delhi.”

[F. No. 25012/19/78-Silk]

SHIROMANI SHARMA, Development Commissioner for Handlooms.

वाणिज्य एवं नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

भारतीय मानक संस्था

नई दिल्ली, 1980-09-18

का०आ० 2700—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन विभ.), 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था को और मेरिया किया जाता है कि नाहसेस मंद्या सी एम/एल-5369 जिसके ब्यौरे अनुमूली में दिए गए हैं दिनांक 23 मई, 1980 से रह कर दिया गया है।

अनुमूली

क्रम सं०	नाहसेस मंद्या और तिथि	लाइसेस धारी का नाम और पता	रद्द किए गए लाइसेस के प्रधीन वस्तु/ प्रक्रिया	तत्संबंधी भारतीय मानक
1	2	3	4	5
1.	सी एम/एल-5369 1976-07-14	शिव शक्ति पाइप इंडस्ट्रीज, बी एच सी धूलत चूर्ण कुकर गोड (सेन्ट्रल वर्क हाउस के समीप) नई मंडी, मुज़फ़रनगर (उ०प्र०) (कार्यालय : 21-ए नई मंडी मुज़फ़रनगर (उ०प्र०)	रद्द किए गए लाइसेस के प्रधीन वस्तु/ प्रक्रिया	IS : 561-1978 दी एच सी (एच सी एच) धूलत चूर्ण की विशिष्टि (चौथा पुनरीक्षण)

[सं० सी एम बी/55 : 5369]

MINISTRY OF COMMERCE & CIVIL SUPPLIES

(Department of Civil Supplies)

INDIAN STANDARDS INSTITUTION

New Delhi, 1980-09-18

S.O. 2700—In pursuance of sub regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks), Regulations, (1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No.CM/L-5369 particulars of which are given in the Schedule below has been cancelled with effect from Twentieth May, One Thousand Nine Hundred and Eighty.

SCHEDELE

Sl. No.	Licence No. and Date	Name & Address of the Licensee	Article/Process covered by the Licence cancelled	Relevant Indian Standards
(1)	(2)	(3)	(4)	(5)
1.	CM/L-5369 1976-07-14	Shiv Shakti Pipe Industries, Kukria Road (Near Central Ware House), New Mandi, Muzaffarnagar (U.P.) (Office : 21-A, New Mandi, Muzaffarnagar, U.P.)	BHC DP	IS : 561-1978 Specification for BHC (HCH) Dusting Powders (Fourth the Revision)

[No. CMD/55 : 5369]

नई दिल्ली, 1980-09-23

का० प्रा० 2701 :—समय-समय पर गंशोधित भारतीय मानक मर्स्या (प्रमाणन जिल्हा०) विनियम 1955 के विनियम 8 के उपविनियम (1) के अनुसार भारतीय मानक सम्बन्धी द्वारा आधिसूचित किया जाता है कि जिन 432 लाइसेंसों के द्वारे तीव्र अनुसूची में दिए गए हैं, उनका प्रयोग 1980 में नवीकरण किया गया है:

मनुसूची

क्रम संख्या	सं०	से	तक	भारतीय मानक विशिष्ट
				की पद संख्या
(1)	(2)	(3)	(4)	(5)
1.	105	80-02-16	81-02-15	IS : 10 (भाग 2)-1976
2.	118	80-01-01	80-12-31	IS : 10 (भाग 2)-1976
3.	150	80-05-01	81-04-30	IS : 1398-1968
4.	170	80-04-01	81-03-31	IS : 1011-1968
5.	171	80-04-01	81-03-31	IS : 1011-1968
6.	172	80-04-01	81-03-31	IS : 1011-1968
7.	174	80-04-01	81-03-31	IS : 1011-1968
8.	186	80-04-01	81-03-31	IS : 325-1970
9.	278	80-03-01	81-02-28	IS : 398 (भाग 1 और 2) -1976
10.	317	80-11-01	81-10-31	IS : 692-1973
11.	349	80-11-01	81-10-31	IS : 1554 (भाग 1 और 2)-1976
12.	391	80-04-01	81-03-31	IS : 226-1975
13.	392	80-04-01	81-03-31	IS : 432 (भाग 1)-1966
14.	393	80-04-01	81-03-31	IS : 961-1975
15.	396	80-04-01	81-03-31	IS : 226-1975
16.	398	80-04-01	81-03-31	IS : 961-1975
17.	402	80-04-16	81-04-15	IS : 1675-1971
18.	421	80-04-01	81-03-31	IS : 226-1975
19.	422	80-04-01	81-03-31	IS : 277-1969
20.	467	80-03-16	81-03-15	IS : 1322-1970
21.	575	80-04-01	81-03-31	IS : 2062-1969
22.	576	80-04-01	81-03-31	IS : 2062-1969
23.	608	80-04-01	81-03-31	IS : 1977-1975
24.	609	80-04-01	81-03-31	IS : 1977-1975
25.	619	80-04-01	81-03-31	IS : 1239 (भाग 1) -1973
26.	625	80-04-01	81-03-31	IS : 2062-1969
27.	671	80-04-01	81-03-31	IS : 1977-1975
28.	943	80-04-01	81-03-31	IS : 2818 (भाग 2 और 3)-1971
29.	981	80-01-01	80-12-31	IS : 1010-1960
30.	987	80-02-01	81-01-31	IS : 2287-1970
31.	999	80-02-16	81-02-15	IS : 779-1978
32.	1005	80-02-16	81-02-15	IS : 226-1975
33.	1013	80-03-01	81-02-28	IS : 774-1974
34.	1015	80-03-16	81-03-15	IS : 779-1978
35.	1021	80-04-01	81-03-31	IS : 1875-1975
36.	1022	80-04-01	81-03-31	IS : 1875-1971
37.	1023	80-04-01	81-03-31	IS : 2830-1975
38.	1024	80-04-01	81-03-31	IS : 2831-1975
39.	1028	80-04-01	81-03-31	IS : 1079-1973
40.	1031	80-04-01	81-03-31	IS : 1875-1971

(1)	(2)	(3)	(4)	(5)
41.	1032	80-04-01	81-03-31	IS : 2830-1975
42.	1033	80-04-01	81-03-31	IS : 2831-1975
43.	1034	80-04-01	81-03-31	IS : 2830-1975
44.	1035	80-04-01	81-03-31	IS : 2831-1975
45.	1078	80-03-16	31-03-15	IS : 774-1971
46.	1133	80-04-01	81-03-31	IS : 7283-1974
47.	1156	80-04-01	81-03-31	IS : 1554 (भाग 1) -1964
48.	1166	80-04-01	81-05-15	IS : 410-1977
49.	1274	79-10-16	80-10-15	IS : 1851-1966
50.	1339	80-04-01	81-03-31	IS : 1139-1966
51.	1408	80-04-01	81-03-31	IS : 3502-1966
52.	1419	80-04-01	81-03-31	IS : 1977-1975
53.	1420	80-04-01	81-03-31	IS : 226-1975
54.	1478	80-02-01	81-01-31	IS : 1478-1969
55.	1538	80-04-16	81-04-15	IS : 3564-1975
56.	1562	79-11-01	80-10-31	IS : 10 (भाग 4)-1976
57.	1603	80-04-01	81-03-31	IS : 2208-1962
58.	1608	80-04-01	81-03-31	IS : 10 (भाग 4)-1976
59.	1609	79-11-01	80-10-31	IS : 10 (भाग 4)-1976
60.	1664	80-04-01	81-03-31	IS : 2791-1972
61.	1730	79-11-01	80-10-31	IS : 1855-1977 और IS : 1856-1977
62.	1777	80-04-01	81-03-31	IS : 1786-1966
63.	1802	79-11-01	80-10-31	IS : 2266-1977
64.	1825	80-04-16	81-04-15	IS : 565-1975
65.	1854	80-04-16	81-04-15	IS : 1040-1964
66.	1872	80-04-01	81-03-31	IS : 1786-1966
67.	1877	80-04-01	81-03-31	IS : 2645-1975
68.	1889	80-01-16	81-01-15	IS : 10 (भाग 2)-1976
69.	1915	80-04-01	81-03-31	IS : 2002-1962
70.	1934	80-04-01	81-03-31	IS : 1786-1966
71.	1943	80-04-01	81-03-31	IS : 1221-1971
72.	1945	80-04-01	81-03-31	IS : 220-1972
73.	1946	80-04-01	81-03-31	IS : 1221-1971
74.	1952	80-04-01	81-03-31	IS : 2879-1975
75.	1957	80-04-16	81-04-15	IS : 1507-1977
76.	2073	80-11-01	81-10-31	IS : 325-1978
77.	2129	80-04-01	81-03-31	IS : 561-1978
78.	2149	80-04-16	81-04-15	IS : 10 (भाग 4)-1976
79.	2268	80-04-01	81-03-31	IS : 4323-1967
80.	2270	80-03-01	81-02-28	IS : 10 (भाग 4)-1976
81.	2273	80-03-01	81-02-28	IS : 3413-1977
82.	2286	80-04-01	81-03-31	IS : 3975-1967
83.	2297	30-04-01	81-03-31	IS : 561-1972
84.	2304	80-04-16	81-04-15	IS : 398 (भाग 1 और 2) -1976 और
85.	2317	80-04-01	81-03-31	IS : 3309-1975
86.	2335	80-04-01	81-03-31	IS : 2191 (भाग 1) -1973
87.	2354	80-05-01	81-04-30	IS : 694-1977
88.	2400	80-04-01	81-03-31	IS : 2567-1973
89.	2416	80-04-01	81-03-31	IS : 1786-1966

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
90	2430	80-04-16	81-04-15	IS 814 (भाग 1 भौर 2)-1974	133	3357	80-03-16	81-03-15	IS 1786 1966
91	2457	79-11-16	80-11-15	IS : 226-1975	134	3369	80-04-01	81-03-31	IS 398 (भाग 1 भौर 2)-1976
92	2458	79-11-16	80-11-15	IS : 1977-1975	135	3381	80-04-16	81-04-15	IS 10 (भाग 2) 1976
93	2475	80-04-01	81-03-31	IS : 648-1970	136	3479	79-11-01	80-10-31	IS 3623 1966
94.	2511	80-04-16	81-04-15	IS : 3564-1970	137	3493	80-04-01	81-03-31	IS 4432-1967
95	2614	80-04-01	81-03-31	IS 83-1970	138	3494	80-04-01	81-03-31	IS 5517 1969
96.	2620	80-04-01	81-03-31	IS . 2566-1965	139	3532	80-03-16	81-03-15	IS 6914 1973
97.	2621	80-04-01	81-03-31	IS : 1660 (भाग 1)-1967	140	3533	80-03-16	81-03-15	IS 6915-1973
				IS 1660 (भाग 2)-1972	141	3551	79-05-01	81-04-30	IS 1786 1966
				IS 1660 (भाग 3)-1972	142	3591	80-04-01	81-03-31	IS 2879-1975
				IS 1660 (भाग 4)-1972	143	3598	80-04-16	81-04-15	IS 6915 1978
				IS 1660 (भाग 4)-1977	144	3603	80-04-16	81-03-31	IS 6914 1978
					145	3706	80-01-01	80-12-31	IS 226 1975
					146	3714	80-02-16	81-02-15	IS 226 1975
					147	3715	80-02-16	81-02-15	IS 1977 1975
98	2625	80-04-01	81-03-31	IS 10 (भाग 3)-1974	148	3716	80-02-16	81-02-15	IS 1660 (भाग 1)-1967
99	2631	80-04-01	81-03-31	IS 4449-1976					IS 1660 (भाग 2 भौर 3)-1972
100	2632	80-04-01	81-03-31	IS 4450-1967					IS 1660 (भाग 4) 1977
101	2649	80-04-01	81-03-31	IS 4323-1967					
102	2650	80-04-01	81-03-31	IS 633-1973					
103	2659	80-04-01	81-03-31	IS 3944-1966					
104	2667	80-04-01	81-03-31	IS 564-1975					
105	2671	80-04-01	81-03-31	IS 3811-1976	149	3736	80-03-16	81-03-15	IS 5557-1963
106	2746	79-12-16	80-12-15	IS 2548-1967	150	3743	80-03-16	81-03-15	IS 780 1969
107	2768	80-04-01	81-03-31	IS 562-1972	151	3746	80-03-16	81-03-15	IS 398 (भाग 1 भौर 2)-1976
108	2769	80-04-01	81-03-31	IS 565-1975					
109	2774	80-04-01	81-03-31	IS 5514-1969	152	3748	80-03-16	81-03-15	IS 1520-1972
110	2811	80-03-01	81-02-28	IS 3811-1976					IS 6565-1972
111	2852	80-04-16	81-04-15	IS 561-1972	153	3762	80-01-01	81-03-31	IS 2548-1967
112	2944	80-01-01	81-03-31	IS 2567-1973	154	3764	80-04-01	81-03-31	IS 561-1978
113	2965	80-04-01	81-03-31	IS 5513-1969	155	3765	80-04-01	81-03-31	IS 562 1978
114	2968	80-03-16	81-03-15	IS 3830-1970	156	3766	80-04-01	81-03-31	IS 564-1975
115	2981	80-04-01	81-03-31	IS 4984-1978	157	3767	80-04-01	81-03-31	IS 561 1975
116	2983	80-04-01	81-03-31	IS 4151-1976	158	3768	80-04-01	81-03-31	IS 632 1978
117	2993	80-04-01	81-03-31	IS 10(भाग 4)-1966	159	3769	80-04-01	81-03-31	IS 633- 1975
118	3003	80-04-01	81-03-31	IS 2385 (भाग 1 भौर 3)-1963	160	3771	80-04-01	81-03-31	IS 1507-1977
					161	3772	80-04-01	81-03-31	IS 2567 1978
119	3004	80-04-01	81-03-31	IS 1786-1966	162	3773	80-04-01	81-03-31	IS 3903- 1975
120	3008	80-04-01	81-03-31	IS 3637-1966	163	3774	80-04-01	81-03-31	IS 5281- 1969
121	3014	80-04-01	81-03-31	IS 2566-1965	164	3775	80-04-01	81-03-31	IS 3903 1975
122	3017	80-04-01	81-03-31	IS 3231-1965	165	3776	80-04-01	81-03-31	IS 3811-1976
123	3018	80-11-01	81-10-31	IS 694-1977	166	3777	80-04-01	81-03-31	IS 4449- 1976
124	3023	80-04-01	81-03-31	IS 2566-1965	167	3778	80-04-01	81-03-31	IS 4450- 1978
125	3046	80-05-01	81-04-30	IS 3205-1965	168	3779	80-04-01	81-03-31	IS 3865 1978
126	3050	80-05-01	81-04-30	IS 325-1970	169	3782	80-04-01	81-03-31	IS 4100-1967
126 (क)	3120	80-04-01	81-03-31	IS 6240-1976	170	3794	80-04-01	81-03-31	IS 561- 1972
127	3228	80-04-01	81-03-31	IS 561-1972	171	3879	80-04-16	81-04-15	IS 3976-1975
128	3243	80-04-01	81-03-31	IS 325-1978	172	3948	80-04-01	81-03-31	IS 2148 1968
129	3265	80-01-01	80-12-31	IS 3145-1965	173	4026	80-01-01	81-12-31	IS 1786-1966
130	3266	80-01-01	80-12-31	IS 3131-1965	174	4060	79-12-01	80-11-30	IS 398 (भाग 1)-1976
131	3312	80-05-01	81-04-30	IS 10 (भाग 4)-1976	175	4066	79-12-01	80-11-30	IS 4984 1978
132	3344	80-04-01	81-03-31	IS 2429 (भाग 1)-1970	176	4091	80-04-01	81-03-31	IS 2567-1973

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
177	4198	80-04-01	81-03-31	IS 1551 (भाग 1) 1971	225	5100	80-04-16	81-04-15	IS 6314 1973
178	4224	80-04-01	81-03-31	IS 432 (भाग 2)-1966	226	5101	80-04-16	81-04-15	IS 6015 1978
179	4260	80-03-16	81-03-15	IS 2923 1974	227	5102	80-01-01	84-03-31	IS 1786-1966
180	4261	80-03-16	81-03-15	IS 1554 (भाग 1) 1976	228	5108	80-03-16	81-03-15	IS 1786 1966
181	4267	80-04-01	81-03-31	IS 3224 1971	229	5124	80-04-16	81-04-15	IS 226 1975
182	4274	80-04-01	81-03-31	IS 210 1970	230	5125	80-04-16	81-04-15	IS 1977 1175
183	4299	80-04-01	81-03-31	IS 916 1975	231	5128	80-04-16	81-04-15	IS 3976 1975
184	4296	80-04-16	81-04-15	IS 398 (भाग 1 और 2) -1976	232	5132	80-04-16	81-04-15	IS 226 1975
185	4300	80-04-16	81-04-15	IS 208 1972	233	5133	80-04-16	81-04-15	IS 5517 1969
186	4303	80-04-16	81-04-15	IS 2906 1969	234	5135	80-04-01	81-03-31	IS 458 1971
187	4310	80-04-16	81-04-15	IS 916-1975	235	5150	80-05-01	81-04-30	IS 4964 (भाग 2) 1975
188	4311	80-04-16	81-04-15	IS 1538 (भाग 1 से 23) 1976	236	5153	80-05-01	81-04-30	IS 1601 1960
189	4317	80-04-16	81-04-15	IS 1601-1960	237	5171	80-04-16	81-04-15	IS 3976-1975
190	4380	80-05-16	81-05-15	IS 1601-1960	238	5179	80-02-01	81-01-31	IS 6003 1970
191	4452	80-04-16	81-04-15	IS 226 1975	239	5220	80-04-01	81-03-31	IS 4100-1967
192	4453	80-04-16	81-04-15	IS 1977 1975	240	5221	80-04-01	81-03-31	IS 3811-1976
193	4511	80-04-01	81-03-31	IS 562 1972	241	5222	80-04-01	81-03-31	IS 4450-1967
194	4543	80-04-01	81-03-31	IS 2864-1973	242	5223	80-04-01	81-03-31	IS 4449-1976
195	4579	80-04-16	81-04-15	IS 5672 1970	243	5224	80-04-01	81-03-31	IS 3865 1966
196	1600	80-04-01	81-03-31	IS 1506 1977	244	5261	80-04-01	81-03-31	IS 1507 1966
197	4613	79-11-01	80-11-30	IS 3976 1975	245	5282	80-04-01	81-03-31	IS 1958 1967
198	4647	80-04-16	81-04-15	IS 3055-1965	246	5363	80-04-01	81-03-31	IS 2682 1966
199	4687	80-04-16	81-04-15	IS 561 1972	247	5370	80-04-01	81-03-31	IS 5292 1969
200	4728	80-05-01	81-04-30	IS 7452 1974	248	5390	80-04-16	81-04-15	IS 564 1975
201	4788	80-05-01	81-04-30	IS 1879-1975	249	5434	80-04-01	81-03-31	IS 694 1977
202	4798	80-04-16	81-04-15	IS 4984-1972	250	5553	80-03-16	81-03-15	IS 1606 1974
203	4802	80-04-16	81-04-15	IS 7122-1973	251	5574	80-03-01	81-02-28	IS 2567 1978
204	4801	80-03-16	81-03-15	IS 8051-1976	252	5610	80-03-16	81-03-15	IS 1698-1974
205	4805	80-03-16	81-03-15	IS 8054 1976	253	5676	80-04-01	81-03-31	IS 10(भाग 4) 1976
206	4806	80-03-16	81-03-15	IS 8055 1976	254	5685	80-04-01	81-03-31	IS 1079-1973
207	4807	80-03-16	81-03-15	IS 8052-1976	255	5803	80-04-01	81-03-31	IS 398 (भाग 1) 1976
208	4827	80-04-01	81-03-31	IS 1703-1977	256	5823	80-04-01	81-03-31	IS 1977-1975
209	4833	80-03-16	81-03-15	IS 7406-1974	257	5863	80-04-01	81-03-31	IS 834-1975
210	4864	80-04-01	81-03-31	IS 6604-1970	258	5879	80-05-01	81-04-30	IS 261 1966
211	4883	80-03-16	81-03-15	IS 8053-1976	259	5904	80-03-16	81-03-15	IS 8056-1976
212	4896	80-03-16	81-03-15	IS 8057-1976	260	5945	80-03-01	81-02-28	IS 916 1975
213	4900	80-01-01	80-12-31	IS 362 1968 IS 1341-1970	261	5952	80-04-01	81-03-31	IS 561-1972
214	4935	80-04-16	81-04-15	IS 633 1975	262	5958	80-03-16	81-03-15	IS 1341 1970
215	4946	80-05-01	81-04-30	IS 4985 1968	263	5959	80-03-16	81-03-15	IS 1320-1972
216	4958	80-03-16	81-03-15	IS 1601-1960	264	5974	80-04-01	81-03-31	IS 4124-1967
217	4973	80-02-01	81-01-31	IS 779-1968	265	5979	80-04-01	81-03-31	IS 5346-1975
218	5008	80-03-01	81-02-28	IS 508 973	266	5986	80-04-01	81-03-31	IS 226-1957
219	5021	80-04-01	81-03-31	IS 2567-1973	267	5987	80-04-01	81-03-31	IS 1977-1975
220	5030	80-03-01	81-02-24	IS 633 1975	268	5989	80-03-16	81-03-15	IS 961-1975
221	5031	80-11-01	81-10-31	IS 5950 1971	269	5994	80-03-16	81-03-15	IS 4432-1967
222	5044	80-04-16	81-04-15	IS 561-1978	270	5995	80-03-16	81-03-15	IS 2255-1969
223	5066	90-03-16	81-03-15	IS 1786 1966	271	5996	80-03-16	81-03-15	IS 226-1975
224	5097	80-04-01	81-03-31	IS 2037-1962	272	5997	80-03-16	81-03-15	IS 1977-1975
					273	5998	80-04-01	81-03-31	IS 7122-1973
					274	6009	80-04-01	81-03-31	IS 4964 (भाग 2)- 1975
					275	6012	80-04-01	81-03-31	IS 2567-1973
					276	6014	80-04-01	81-03-31	IS 1875-1971
					277	6019	80-04-01	81-03-31	IS 564-1975

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
278.	6020	80-04-01	81-03-31	IS : 1239 (भाग 1)- 1973	324.	6874	80-04-01	81-03-31	IS : 778-1971
279.	6021	80-04-01	81-03-31	IS : 10 (भाग 2)-1976	325.	6886	80-05-01	81-04-30	IS : 7417-(भाग 1)- 1974
280.	6025	80-05-01	81-04-30	IS : 1695-1974	326.	6888	80-04-01	81-03-31	IS : 6914-1973
281.	6026	80-05-01	81-04-30	IS : 2923-1974	327.	6892	80-04-01	81-03-31	IS : 2257-1970
282.	6028	80-04-01	81-03-31	IS : 778-1971	328.	6897	80-04-01	81-03-31	IS : 226-1975
283.	6030	80-04-01	81-03-31	IS : 561-1972	329.	6899	80-04-01	81-03-31	IS : 5430-1969
284.	6031	80-04-01	81-03-31	IS : 1161-1968	330.	6900	80-04-01	81-03-31	IS : 398 (भाग 2)- 1976
285.	6036	80-04-01	81-03-31	IS : 2675-1966	331.	6901	80-04-01	81-03-31	IS : 1786-1966
286.	6037	80-04-01	81-03-31	IS : 4064-1967	332.	6907	80-04-01	81-03-31	IS : 3431-1975
287.	6038	80-04-01	81-03-31	IS : 4047-1967	333.	6913	80-04-01	81-03-31	IS : 6914-1978
288.	6039	80-04-16	81-04-15	IS : 1239 (भाग 1)- 1973	334.	6914	80-04-01	81-03-31	IS : 6915-1978
289.	6048	80-05-01	81-04-30	IS : 1398-1968	335.	6916	80-04-01	81-03-31	IS : 4100-1967
290.	6054	80-04-01	81-03-31	IS : 171-1973	336.	6917	80-04-01	81-03-31	IS : 1030-1974
291.	6072	80-05-01	81-04-30	IS : 1694-1974	337.	6921	80-04-01	81-03-31	IS : 458-1971
292.	6097	79-12-01	80-11-30	IS : 171-1973	338.	6922	80-04-16	81-04-15	IS : 1554 (भाग 1)- 1976
293.	6117	80-05-01	80-04-30	IS : 6429-1972	339.	6923	80-04-16	81-04-15	IS : 565-1975
294.	6171	80-04-01	81-03-31	IS : 2861-1964	340.	6924	80-04-16	81-04-15	IS : 564-1975
295.	6213	79-07-01	80-06-30	IS : 702-1961	341.	6929	80-04-16	81-04-15	IS : 226-1975
296.	6244	80-01-01	81-03-31	IS : 1971-1975	342.	6930	80-04-16	81-04-15	IS : 1977-1975
297.	6409	80-04-16	81-04-15	IS : 1875-1971	343.	6933	80-04-16	81-04-15	IS : 427-1965
298.	6444	79-10-16	80-10-15	IS : 780-1969	344.	6934	80-04-16	81-04-15	IS : 4449-1976
299.	6462	79-11-01	80-10-31	IS : 325-1978	345.	6935	80-04-16	81-04-15	IS : 398 (भाग 1 और 2)-1976
300.	6510	80-03-01	81-02-28	IS : 7121-1973	346.	6938	80-04-16	81-04-15	IS : 1239 (भाग 1)- 1973
301.	6571	79-12-16	80-12-15	IS : 694-1977	347.	6939	80-04-16	81-04-15	IS : 1161-1968
302.	6615	80-01-01	81-12-31	IS : 2596-1964	348.	6941	80-04-16	81-04-15	IS : 2400-1976
303.	6655	80-03-01	81-02-28	IS : 4323-1967	349.	6948	80-04-16	81-04-15	IS : 2202 (भाग 1)- 1973
304.	6669	80-02-01	81-01-31	IS : 5444- 1978 IS : 5446-1978 IS : 5907-1970 IS : 5919-1978	350.	6952	80-04-16	81-04-15	IS : 5531 (भाग 1 और 3)-1977
305.	6714	80-03-01	81-02-28	IS : 633-1975	351.	6953	80-04-16	81-04-15	IS : 1726 (भाग 1 से 3)-1974
306.	6755	80-04-01	81-03-31	IS : 4323-1967	352.	6958	80-04-16	81-04-15	IS : 5455-1969
307.	6774	80-04-16	81-04-15	IS : 7121-1973	353.	6959	80-04-16	81-04-15	IS : 5281-1969
308.	6802	80-03-16	81-03-15	IS : 7538-1975	354.	6966	80-04-16	81-04-15	IS : 3319-1973
309.	6806	80-03-16	81-03-15	IS : 6047-1970	355.	6970	80-04-16	81-04-15	IS : 1977-1975
310.	6807	80-03-16	81-03-15	IS : 398(भाग 1 और 2)- 1976	356.	6973	80-04-16	81-04-15	IS : 1664-1978
311.	6808	80-03-16	81-03-15	IS : 398 (भाग 1 और 2)-1976	357.	6981	80-05-01	81-04-30	IS : 7458-1974
312.	6821	80-03-16	81-03-15	IS : 1697-1974	358.	7126	80-04-16	81-04-15	IS : 419-1967
313.	6822	80-04-01	81-03-31	IS : 6429-1972	359.	7175	79-09-01	80-08-31	IS : 638-1965
314.	6830	80-03-16	81-03-15	IS : 2834-1964	360.	7299	79-11-01	80-10-31	IS : 651-1971
315.	6831	80-03-16	81-03-15	IS : 3575-1977	361.	7338	79-11-16	80-11-15	IS : 325-1976
316.	6835	80-03-16	81-03-15	IS : 325-1978	362.	7428	80-01-01	80-12-31	IS : 6914-1978
317.	6840	80-03-16	81-03-15	IS : 1135-1973	363.	7429	80-01-01	80-12-31	IS : 6915-1978
318.	6849	80-03-16	81-03-15	IS : 1239 (भाग 1)- 1973	364.	7489	80-05-01	81-04-30	IS : 1554 (भाग 1)- 1976
319.	6860	80-04-01	81-03-31	IS : 226-1975	365.	7501	80-02-01	81-01-31	IS : 204-1974
320.	6866	80-04-01	81-03-31	IS : 8051-1976	366.	7535	80-03-01	81-02-28	IS : 4654-1974
321.	6867	80-04-01	81-03-31	IS : 204-1974	367.	7542	80-03-01	81-02-28	IS : 10 (भाग 4)- 1976
322.	6869	80-04-01	81-03-31	IS : 458-1971	368.	7549	80-03-01	81-02-28	IS : 1222-1973
323.	6872	80-04-01	81-03-31	IS : 398 (भाग 1 और 2)-1976					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
369	7552	80-03-01	81-02-28	IS . 1977-1975	418	7683	80-04-16	81-04-15	IS . 1786-1966
370	7569	80-03-01	81-02-28	IS . 1970 (भाग 1)- 1974	419	7684	80-04-16	81-04-15	IS . 1161-1968
371	7571	80-03-01	81-02-28	IS . 1729-1964	420	7686	80-04-16	81-04-15	IS . 694-1977
372	7574	80-03-01	81-02-28	IS . 4366 (भाग 1)- 1972	421	7687	80-04-16	81-04-15	IS . 694-1977
373	7586	80-03-16	81-03-15	IS . 280-1978	422	7692	80-04-16	81-04-15	IS . 8028-1976
374	7589	80-04-01	81-03-31	IS . 3390-1965	423	7694	80-04-16	81-04-15	IS . 561-1972
375	7598	80-03-16	81-03-31	IS . 565-1975	424	7695	80-04-16	81-04-15	IS . 4159-1976
376	7600	80-03-16	81-03-15	IS . 1601-1960	425	7697	80-04-16	81-04-15	IS . 158-1968
377	7602	80-03-16	81-03-15	IS . 6003-1970	426	7698	80-04-16	81-04-15	IS . 2148-1968
378	7604	80-03-16	81-03-15	IS . 848-1974	427	7707	80-04-16	81-04-15	IS . 1239 (भाग 1)- 1978
379	7605	80-03-16	81-03-15	IS . 6545-1972 और IS . 7538-1975	428	7711	80-05-01	81-04-30	IS . 264-1976
380	7618	80-03-16	81-03-15	IS . 10 (भाग 4)-1976	429	7712	80-05-01	81-04-30	IS . 265-1962
381	7623	80-04-01	81-03-31	IS . 2074-1962	430	7713	80-05-01	81-04-30	IS . 3899-1966
382	7628	80-03-16	81-03-15	IS . 1221-1971	431	7729	80-05-01	81-04-30	IS . 3905-1966
383	7630	80-04-01	81-03-31	IS . 3055-1977					[सं. सौ. एम० ल०/13 12] प० व० बनर्जी, अपर महान्देश्वर
384	7632	80-04-01	81-03-31	IS . 366-1976					
385	7633	80-04-01	81-03-31	IS . 1601-1960					
386	7635	80-04-01	81-03-31	IS . 2339-1963					
387	7640	80-04-01	81-03-31	IS . 261-1966					
388	7641	80-04-01	81-03-31	IS . 203-1972					
389	7643	80-04-01	81-03-31	IS . 335-1972					
390	7646	80-04-01	81-03-31	IS . 3062-1974					
391	7647	80-04-01	81-03-31	IS . 4964 (भाग 2)- 1975					
392	7648	80-04-01	81-03-31	IS . 1551-1976					
393	7649	80-04-01	81-03-31	IS . 5484-1969					
394	7650	80-04-01	81-03-31	IS . 916-1975					
395	7652	80-04-01	81-03-31	IS . 3901-1975					
396	7653	80-04-01	81-03-31	IS . 4783-1968					
397	7654	80-04-01	81-03-31	IS . 613-1975					
398	7655	80-04-01	81-03-31	IS . 1507-1977					
399	7656	80-04-01	81-03-31	IS . 2567-1978					
400	7657	80-04-01	81-03-31	IS . 8028-1976					
401	7658	80-04-01	81-03-31	IS . 1696-1974					
402	7659	80-04-01	81-03-31	IS . 2924-1974					
403	7660	80-04-01	81-03-31	IS . 4467-1967					
404	7661	80-04-01	81-03-31	IS . 6406-1977					
405	7662	80-04-01	81-03-31	IS . 8944-1978					
406	7663	80-04-01	81-03-31	IS . 4654-1974					
407	7664	80-04-01	81-03-31	IS . 2557-1961					
408	7665	80-04-01	81-03-31	IS . 1786-1966					
409	7666	80-04-01	81-03-31	IS . 1891 (भाग 1)- 1968					
410	7667	80-04-16	81-04-15	IS . 3065-1970					
411	7668	80-04-16	81-04-15	IS . 5277-1969					
412	7669	80-04-01	81-03-31	IS . 2932-1974					
413	7674	80-04-16	81-04-15	IS . 1875-1971					
414	7675	80-04-01	81-03-31	IS . 4956-1968					
415	7679	80-04-16	81-04-15	IS . 4151-1976					
416	7680	80-04-16	81-04-15	IS . 1601-1960					
417	7682	80-04-16	81-04-15	IS . 7538-1975					

New Delhi, the 1980-09-23

S.O. 2701.—In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations 1955, as amended from time to time, the Indian Standards Institution, hereby, notifies that 432 licences, particulars of which are given in the following Schedule, have been renewed during the month of April 1980.

SCHEDULE

Sl. No.	CM/L No	Valid		Indian Standard Specification No.
		From	To	
(1)	(2)	(3)	(4)	(5)
1.	105	80-02-16	81-02-15	IS : 10 (Part II)-1976
2.	118	80-01-01	80-12-31	IS : 10 (Part II)-1976
3.	150	80-05-01	81-04-30	IS : 1398-1968
4.	170	80-04-01	81-03-31	IS : 1011-1968
5.	171	80-04-01	81-03-31	IS : 1011-1968
6.	172	80-04-01	81-03-31	IS : 1011-1968
7.	174	80-04-01	81-03-31	IS : 1011-1968
8.	186	80-04-01	81-03-31	IS : 325-1970
9.	278	80-03-01	81-02-28	IS : 398 (Part I & II)-1976
10.	317	80-11-01	81-10-31	IS : 692-1973
11.	349	80-11-01	81-10-31	IS : 1554 (Part I & II)-1976
12.	391	80-04-01	81-03-31	IS : 226-1975
13.	392	80-04-01	81-03-31	IS : 432 (Part I)-1966
14.	393	80-04-01	81-03-31	IS : 961-1975
15.	396	80-04-01	81-03-31	IS : 226-1975
16.	398	80-04-01	81-03-31	IS : 961-1975
17.	402	80-04-16	81-04-15	IS : 1675-1971
18.	421	80-04-01	81-03-31	IS : 226-1975
19.	422	80-04-01	81-03-31	IS : 277-1969
20.	467	80-03-16	81-03-15	IS : 1322-1970
21.	575	80-04-01	81-03-31	IS : 2062-1969
22.	576	80-04-01	81-03-31	IS : 2062-1969
23.	608	80-04-01	81-03-31	IS : 1977-1975
24.	609	80-04-01	81-03-31	IS : 1977-1975
25.	619	80-04-01	81-03-31	IS : 1239 (Part I)-1973
26.	625	80-04-01	81-03-31	IS : 2062-1969
27.	671	80-04-01	81-03-31	IS : 1977-1975
28.	943	80-04-01	81-03-31	IS : 2818 (Part II & III)-1971

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
29.	981	80-01-01	80-12-31	IS : 1040—1960	94.	2511	80-04-16	81-04-15	IS : 3564—1970
30.	987	80-02-01	81-01-31	IS : 2287—1970	95.	2614	80-04-01	81-03-31	IS : 718—1970
31.	999	80-02-16	81-02-15	IS : 779—1978	96.	2620	80-04-01	81-03-31	IS : 2566—1965
32.	1005	80-02-16	81-02-15	IS : 226—1975	97.	2621	80-04-01	81-03-31	IS : 1660 (Part I) 1967 IS : 1660 (Part II) 1972 IS : 1650 (Part III)—1972
33.	1013	80-03-01	81-02-28	IS : 774—1974					
34.	1015	80-03-16	81-03-15	IS : 779—1978					
35.	1021	80-04-01	81-03-31	IS : 1875—1975					
36.	1022	80-04-01	81-03-31	IS : 1875—1971	98.	2625	80-04-01	81-03-31	IS : 1660 (Part IV) 1972
37.	1023	80-04-01	81-03-31	IS : 2830—1975	99.	2631	80-04-01	81-03-31	IS : 4449—1976
38.	1024	80-04-01	81-03-31	IS : 2831—1975	100.	2632	80-04-01	81-03-31	IS : 4450—1967
39.	1028	80-04-01	81-03-31	IS : 1079—1973	101.	2649	80-04-01	81-03-31	IS : 4323—1967
40.	1031	80-04-01	81-03-31	IS : 1875—1971	102.	2650	80-04-01	81-03-31	IS : 633—1973
41.	1032	80-04-01	81-03-31	IS : 2830—1975	103.	2659	80-04-01	81-03-31	IS : 3944—1966
42.	1033	80-04-01	81-03-31	IS : 2831—1975	104.	2667	80-04-01	81-03-31	IS : 564—1975
43.	1034	80-04-01	81-03-31	IS : 2830—1975	105.	2671	80-04-01	81-03-31	IS : 3811—1976
44.	1035	80-04-01	81-03-31	IS : 2331—1975	106.	2746	79-12-16	80-12-15	IS : 2548—1967
45.	1078	80-03-16	81-03-15	IS : 774—1971	107.	2768	80-04-01	81-03-31	IS : 562—1972
46.	1133	80-01-01	81-03-31	IS : 7283—1974	108.	2769	80-04-01	81-03-31	IS : 565—1975
47.	1156	80-04-01	81-03-31	IS : 1554 (Part I)—1964	109.	2774	80-04-01	81-03-31	IS : 5514—1969
48.	116	80-04-01	81-05-15	IS : 410—1977	110.	2811	80-03-01	81-02-28	IS : 3811—1976
49.	1274	79-10-16	80-10-15	IS : 1851—1966	111.	2852	80-04-16	81-04-15	IS : 561—1972
50.	1339	80-04-01	81-03-31	IS : 1139—1966	112.	2944	80-04-01	81-03-31	IS : 2567—1973
51.	1408	80-04-01	81-03-31	IS : 3502—1966	113.	2965	80-04-01	81-03-31	IS : 5513—1969
52.	1419	80-04-01	81-03-31	IS : 1977—1975	114.	2968	80-03-16	81-03-15	IS : 3830—1970
53.	1420	80-04-01	81-03-31	IS : 226—1975	115.	2981	80-04-01	81-03-31	IS : 4984—1978
54.	1478	80-02-01	81-01-31	IS : 1478—1969	116.	2983	80-04-01	81-03-31	IS : 4151—1976
55.	1538	80-04-16	81-04-15	IS : 3564—1975	117.	2993	80-04-01	81-03-31	IS : 10 (Part IV)—1976
56.	1562	79-11-01	80-10-31	IS : 10 (Part IV)—1976	118.	3003	80-04-01	81-03-31	IS : 2386 (Part I & III)—1963
57.	1603	80-04-01	81-03-31	IS : 2208—1962					
58.	1608	80-04-01	81-03-31	IS : 10 (Part IV)—1976					
59.	1609	79-11-01	80-10-31	IS : 10 (Part IV)—1976					
60.	1664	80-04-01	81-03-31	IS : 2791—1972					
61.	1730	79-11-01	80-10-31	IS : 1855—1977 & IS : 1856—1977	119.	3004	80-04-01	81-03-31	IS : 1786—1966
62.	1777	80-04-01	81-03-31	IS : 1786—1966	120.	3006	80-04-01	81-03-31	IS : 3637—1966
63.	1802	79-11-01	80-10-31	IS : 2266—1977	121.	3014	80-04-01	81-03-31	IS : 2566—1965
64.	1825	80-04-16	81-04-15	IS : 565—1975	122.	3017	80-04-01	81-03-31	IS : 3231—1965
65.	1854	80-04-16	81-04-15	IS : 1040—1964	123.	3018	80-11-01	81-10-31	IS : 694—1977
66.	1872	80-04-01	81-03-31	IS : 1786—1966	124.	3023	80-04-01	81-03-31	IS : 2566—1965
67.	1877	80-04-01	81-03-31	IS : 2645—1975	125.	3046	80-05-01	81-04-30	IS : 3205—1965
68.	1889	80-01-16	81-01-15	IS : 10 (Part II)—1976	126.	3050	80-05-01	81-04-30	IS : 325—1970
69.	1915	80-04-01	81-03-31	IS : 2002—1962	126(a).	3120	80-04-01	81-03-31	IS : 6240—1976
70.	1934	80-04-01	81-03-31	IS : 1786—1966	127.	3228	80-04-01	81-03-31	IS : 561—1972
71.	1943	80-04-01	81-03-31	IS : 1221—1971	128.	3243	80-04-01	81-03-31	IS : 325—1978
72.	1945	80-04-01	81-03-31	IS : 220—1972	129.	3265	80-01-01	80-12-31	IS : 3145—1965
73.	1946	80-04-01	81-03-31	IS : 1221—1971	130.	3266	80-01-01	80-12-31	IS : 3131—1965
74.	1952	80-04-01	81-03-31	IS : 2879—1975	131.	3312	80-05-01	81-04-30	IS : 10 (Part IV)—1976
75.	1957	80-04-16	81-04-15	IS : 1507—1977	132.	3344	80-04-01	81-03-31	IS : 2429 (Part I)—1970
76.	2073	80-11-01	81-10-31	IS : 325—1978					
77.	2129	80-04-01	81-03-31	IS : 561—1978					
78.	2149	80-04-16	81-04-15	IS : 10 (Part IV)—1976					
79.	2268	80-04-01	81-03-31	IS : 4323—1967					
80.	2270	80-03-01	81-02-28	IS : 10 (Part IV)—1976	135.	3381	80-04-16	81-04-15	IS : 10 (Part II)—1976
81.	2273	80-03-01	81-02-28	IS : 3413—1977	136.	3479	79-11-01	80-10-31	IS : 3623—1966
82.	2286	80804-01	81-03-31	IS : 3975—1967	137.	3493	80-04-01	81-03-31	IS : 4432—1967
83.	2297	80-04-01	81-03-31	IS : 561—1972	138.	3494	80-04-01	81-03-31	IS : 5517—1969
84.	2304	80-04-16	81-04-15	IS : 398 (Part I & II)—1976	139.	3532	80-03-16	81-03-15	IS : 6914—1973
85.	2317	80-04-01	81-03-31	IS : 3309—1975	140.	3533	80-03-16	81-03-15	IS : 6915—1973
86.	2335	80-04-01	81-03-31	IS : 2191 (Part I)—1973 & IS : 2202 (Part II)—1973	141.	3551	79-05-01	81-04-30	IS : 1786—1966
87.	2354	80-05-01	81-04-30	IS : 694—1977	142.	3591	80-04-01	81-03-31	IS : 2879—1975
88.	2400	80-04-01	81-03-31	IS : 2567—1973	143.	3598	80-04-16	81-04-15	IS : 6915—1978
89.	2416	80-04-01	81-03-31	IS : 1786—1966	144.	3603	80-04-16	81-03-31	IS : 6914—1973
90.	2430	80-04-16	81-04-15	IS : 814 (Part I & II)—1974	145.	3706	80-01-01	80-12-31	IS : 226—1975
91.	2457	79-11-16	80-11-15	IS : 226—1975	146.	3714	80-02-16	81-02-15	IS : 226—1975
92.	2458	79-11-16	80-11-15	IS : 1977—1975	147.	3715	80-02-16	81-02-15	IS : 1977—1975
93.	2475	80-04-01	81-03-31	IS : 648—1970	148.	3716	80-02-16	81-02-15	IS : 1660 (Part I)—1967 IS : 1669 (Part II & III)—1972 IS : 1660 (Part IV)—1977

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
149.	3736	80-03-16	81-03-15	IS : 5557—1963	211.	4883	80-03-16	81-03-15	IS : 8053—1976
150.	3743	80-03-16	81-03-15	IS : 780—1969	212.	4896	80-03-16	81-03-15	IS : 8057—1976
151.	3746	80-03-16	81-03-15	IS : 398 (Part I & II)—1976	213.	4900	80-01-01	80-12-31	IS : 362—1968 IS : 1341—1970
152.	3748	80-03-16	81-03-15	IS : 1520—1972 IS : 6565—1972	214.	4935	80-04-16	81-04-15	IS : 633—1975
153.	3762	80-04-01	81-03-31	IS : 2548—1967	215.	4946	80-05-01	81-04-30	SI : 4985—1968
154.	3764	80-04-01	81-03-31	IS : 561—1978	216.	4958	80-03-16	81-03-15	IS : 1601—1960
155.	3765	80-04-01	81-03-31	IS : 562—1978	217.	4973	80-02-01	81-01-31	IS : 779—1968
156.	3766	80-04-01	81-03-31	IS : 564—1975	218.	5008	80-03-01	81-02-28	IS : 508—1973
157.	3767	80-04-01	81-03-31	IS : 561—1975	219.	5021	80-04-01	81-03-31	IS : 2567—1973
158.	3768	80-04-01	81-03-31	IS : 632—1978	220.	5030	80-03-01	81-02-28	IS : 633—1975
159.	3769	80-04-01	81-03-31	IS : 633—1975	221.	5031	80-11-01	81-10-31	IS : 5950—1971
160.	3771	80-04-01	81-03-31	IS : 1507—1977	222.	5044	80-04-16	81-04-15	IS : 561—1978
161.	3772	80-04-01	81-03-31	IS : 2567—1978	223.	5066	80-03-16	81-03-15	IS : 1786—1966
162.	3773	80-04-01	81-03-31	IS : 3903—1975	224.	5097	80-04-01	81-03-31	IS : 2037—1962
163.	3774	80-04-01	81-03-31	IS : 5281—1969	225.	5100	80-04-16	81-04-15	IS : 6914—1978
164.	3775	80-04-01	81-03-31	IS : 3903—1975	226.	5101	80-04-16	81-04-15	IS : 6915—1978
165.	3776	80-04-01	81-03-31	IS : 3811—1976	227.	5102	80-04-01	81-03-31	IS : 1786—1966
166.	3777	80-04-01	81-03-31	IS : 4449—1976	228.	5106	80-03-16	81-03-15	IS : 1786—1966
167.	3778	80-04-01	81-03-31	IS : 4450—1978	229.	5124	80-04-16	81-04-15	IS : 226—1975
168.	3779	80-04-01	81-03-31	IS : 3865—1978	230.	5125	80-04-16	81-04-15	IS : 1977—1975
169.	3782	80-04-01	81-03-31	IS : 4100—1967	231.	5128	80-04-16	81-04-15	IS : 3976—1975
170.	3794	80-04-01	81-03-31	IS : 561—1972	232.	5132	80-04-16	81-04-15	IS : 226—1975
171.	3879	80-04-16	81-04-15	IS : 3976—1975	233.	5133	80-04-16	81-04-15	IS : 5517—1969
172.	3948	80-04-01	81-03-31	IS : 2148—1968	234.	5135	80-04-01	81-03-31	IS : 458—1971
173.	4026	80-01-01	80-12-31	IS : 1786—1966	235.	5150	80-05-01	81-04-30	IS : 4964 (Part II)—1975
174.	4060	79-12-01	80-11-30	IS : 398 (Part I)—1976	236.	5153	80-05-01	81-04-30	IS : 1601—1960
175.	4066	79-12-01	80-11-30	IS : 4984—1978	237.	5171	80-04-16	81-04-15	IS : 3976—1975
176.	4091	80-04-01	81-03-31	IS : 2567—1973	238.	5179	80-02-01	81-01-31	IS : 6003—1970
177.	4198	80-04-01	81-03-31	IS : 1554 (Part I)—1971	239.	5220	80-04-01	81-03-31	IS : 4100—1967
178.	4224	80-04-01	81-03-31	IS : 432 (Part II)—1966	240.	5221	80-04-01	81-03-31	IS : 3811—1976
179.	4260	80-03-16	81-03-15	IS : 2923—1974	241.	5222	80-04-01	81-03-31	IS : 4450—1967
180.	4261	80-03-16	81-03-15	IS : 1554 (Part I)—1976	242.	5223	80-04-01	81-03-31	ISF: 4449—1976
181.	4267	80-04-01	81-02-31	IS : 3224—1971	243.	5224	80-04-01	81-03-31	IS : 3865—1966
182.	4274	80-04-01	81-03-31	IS : 2120—1970	244.	5261	80-04-01	81-03-31	IS : 1507—1966
183.	4289	80-04-01	81-03-31	IS : 916—1975	245.	5282	80-04-01	81-03-31	IS : 1958—1967
184.	4296	80-04-16	81-04-15	IS : 398 (Part I & II)—1976	246.	5363	80-04-01	80-03-31	IS : 2682—1966
185.	4300	80-04-16	81-04-15	IS : 208—1972	247.	5370	80-04-01	81-03-31	IS : 5281—1969
186.	4303	80-04-16	81-04-15	IS : 2906—1969	248.	5390	80-04-16	81-04-15	IS : 564—1975
187.	4310	80-04-16	81-04-15	IS : 916—1975	249.	5434	80-04-01	81-03-31	IS : 694—1977
188.	4311	80-04-16	81-04-15	IS : 1538 (Parts I to XXIII)—1976	250.	5553	80-03-16	81-03-15	dS : 1696—1974
189.	4317	80-04-16	81-04-15	IS : 1601—1960	251.	5574	80-03-01	81-02-28	IS : 2567—1978
190.	4380	80-05-16	81-05-15	IS : 1601—1960	252.	5610	80-03-16	81-03-15	IS : 1698—1974
191.	4452	80-04-16	81-04-15	IS : 226—1975	253.	5676	80-04-01	81-03-31	IS : 10 (Part IV)—1976
192.	4453	80-04-16	81-04-15	IS : 1977—1975	254.	5685	80-04-01	81-03-31	IS : 1079—1973
193.	4511	80-04-01	81-03-31	IS : 562—1972	255.	5803	80-04-01	81-03-31	IS : 398 (Part I)—1976
194.	4543	80-04-01	81-03-31	IS : 2864—1973	256.	5823	80-04-01	81-03-31	IS : 1977—1975
195.	4579	80-04-16	81-04-15	IS : 5672—1970	257.	5863	80-04-01	81-03-31	IS : 834—1975
196.	4600	80-04-01	81-03-31	IS : 1506—1977	258.	5879	80-05-01	81-04-30	IS : 261—1966
197.	4643	79-11-01	80-11-30	IS : 3976—1975	259.	5904	80-03-16	81-03-15	IS : 8056—1976
198.	4647	80-04-16	81-04-15	IS : 3055—1965	260.	5945	80-03-01	81-02-28	IS : 916—1975
199.	4687	80-04-16	81-04-15	IS : 561—1972	261.	5952	80-04-01	81-03-31	IS : 561—1972
200.	4728	80-05-01	81-04-30	IS : 7452—1974	262.	5958	80-03-16	81-03-15	IS : 1341—1970
201.	4788	80-05-01	81-04-30	IS : 1879—1975	263.	5959	80-03-16	81-03-15	IS : 1320—1972
202.	4798	80-04-16	81-04-15	IS : 4984—1972	264.	5974	80-04-01	81-03-31	IS : 4323—1967
203.	4802	80-04-16	81-04-15	IS : 7122—1973	265.	5979	80-04-01	81-03-31	IS : 5346—1975
204.	4804	80-03-16	81-03-15	IS : 8051—1976	266.	5986	80-04-01	81-03-31	IS : 226—1975
205.	4805	80-03-16	81-03-15	IS : 8054—1976	267.	5987	80-04-01	81-03-31	IS : 1977—1975
206.	4806	80-03-16	81-03-15	IS : 8055—1976	268.	5989	80-03-16	81-03-15	IS : 961—1975
207.	4807	80-03-16	81-03-15	IS : 8052—1976	269.	5994	80-03-16	81-03-15	IS : 4432—1967
208.	4827	80-04-01	81-03-31	IS : 1703—1977	270.	5995	80-03-16	81-03-15	IS : 2255—1969
209.	4833	80-03-16	81-03-15	IS : 7406—1974	271.	5996	80-03-16	81-03-15	IS : 226—1975
210.	4864	80-04-01	81-03-31	IS : 5604—1970	272.	5997	80-03-16	81-03-15	IS : 1977—1975
					273.	5998	80-04-01	81-03-31	IS : 7122—1973
					274.	6009	80-04-01	81-03-31	IS : 4964 (Part II)—1975
					275.	6012	80-04-01	81-03-31	IS : 2567—1973

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
276	6014	80-04-01	81-03-31	IS 1875 1971	336	6917	80-04-01	81-03-31	IS 1030-1974
277	6019	80-04-01	81-03-31	IS 564 1975	337	6921	80-04-01	81-03-31	IS 458-1971
278	6020	80-04-01	81-03-31	IS 1239 (Part I)-1973	338	6922	80-04-16	81-04-15	IS 1554 (Part I) 1976
279	6021	80-04-01	81-03-31	IS 10 (Part II)-1976	339	6923	80-04-16	81-04-15	IS 565-1975
280	6025	80-05-01	81-04-30	IS 1695 1974	340	6924	80-04-16	81-04-15	IS 564-1975
281	6026	80-05-01	81-04-30	IS 2923-1974	341	6929	80-04-16	81-04-15	IS 226 1975
282	6028	80-04-01	81-03-31	IS 778-1971	342	6930	80-04-16	81-04-15	IS 1977-1975
283	6030	80-04-01	81-03-31	IS 561-1972	343	6933	80-04-16	81-04-15	IS 427 1965
284	6031	80-04-01	81-03-31	IS 1161-1968	344	6934	80-04-16	81-04-15	IS 4449-1976
285	6036	80-04-01	81-03-31	IS 2675 1966	345	6935	80-04-16	81-04-15	IS 398 (Part I & II)-1976
286	6037	80-04-01	81-03-31	IS 4064 1967	346	6938	80-04-16	81-04-15	IS 1239 (Part I)-1971
287	6038	80-04-01	81-03-31	IS 4047-1967	347	6939	80-04-16	81-04-15	IS 1161 1968
288	6039	80-04-16	81-04-15	IS 1239 (Part I)-1973	348	6941	80-04-16	81-04-15	IS 2400 1976
289	6048	80-05-01	81-04-30	IS 1398-1968	349	6948	80-04-16	81-04-15	IS 2202 (Part I)-1971
290	6054	80-04-01	81-03-31	IS 171 1973	350	6952	80-04-16	81-04-15	IS 5511 (Part I & III) 1977
291	6072	80-05-01	81-04-30	IS 1694-1974	351	6953	80-04-16	81-04-15	IS 1726 (Part I to III)-1974
292	6097	79-12-01	80-11-30	IS 171-1973	352	6958	80-04-16	81-04-15	IS 5455-1969
293	6117	80-05-01	80-04-30	IS 6429-1972	353	6959	80-04-16	81-04-15	IS 5281-1969
294	6171	80-04-01	81-03-31	IS 2861-1964	354	6966	80-04-16	81-04-15	IS 3319 1973
295	6213	79-07-01	80-06-30	IS 702-1961	355	6970	80-04-16	81-04-15	IS 1977 1975
296	6244	80-04-01	81-03-31	IS 1971-1975	356	6971	80-04-16	81-04-15	IS 1664 1978
297	6409	80-04-16	81-04-15	IS 1875-1971	357	6981	80-05-01	81-04-30	IS 7458 1974
298	6444	79-10-16	80-10-15	IS 780-1969	358	7126	80-04-16	81-04-15	IS 419 1967
299	6462	79-11-01	80-10-31	IS 325 1978	359	7175	79-09-01	80-08-31	IS 638 1965
300	6510	80-03-01	81-02-28	IS 7121-1973	360	7299	79-11-01	80-10-31	IS 651-1971
301	6571	79-12-16	80-12-15	IS 694-1977	361	7338	79-11-16	80-11-15	IS 325-1978
302	6615	80-01-01	81-12-31	IS 2596 1964	362	7428	80-01-01	80-12-31	IS 6914-1978
303	6655	80-03-01	81-02-28	IS 4323-1967	363	7429	80-01-01	80-12-31	IS 6915-1978
304	6669	80-02-01	81-01-31	IS 5444-1978	364	7489	80-05-01	81-04-30	IS 1554 (Part I)-1976
				IS 5446-1978	365	7501	80-02-01	81-01-31	IS 204-1974
				IS 5907-1970	366	7535	80-03-01	81-02-28	IS 4654 1974
				IS 5919-1978	367	7542	80-03-01	81-02-28	IS 10 (Part IV) 1976
305	6714	80-03-01	81-02-28	IS 633-1975	368	7549	80-03-01	81-02-28	IS 1221-1973
306	6755	80-04-01	81-03-31	IS 4123-1967	369	7552	80-03-01	81-02-28	IS 1977-1975
307	6774	80-04-16	81-04-15	IS 7121-1973	370	7569	80-03-01	81-02-28	IS 1970 (Part I)-1974
308	6802	80-03-16	81-03-15	IS 7538-1975	371	7571	80-03-01	81-02-28	IS 1729-1964
309	6806	80-03-16	81-03-15	IS 6047-1970	372	7574	80-03-01	81-02-28	IS 4366 (Part I)-1972
310	6807	80-03-16	81-03-15	IS 398 (Part I & II)-1976	373	7586	80-03-16	81-03-15	IS 280-1978
311	6808	80-03-16	81-03-15	IS 398 (Part I & II)-1976	374	7589	80-04-01	81-03-31	IS 3390-1965
312	6821	80-03-16	81-03-15	IS 1697-1974	375	7598	80-03-16	81-03-31	IS 565-1975
313	6822	80-04-01	81-03-31	IS 6429 1972	376	7603	80-13-16	81-03-15	IS 1601-1960
314	6830	80-03-16	81-03-15	IS 2834-1964	377	7602	80-03-16	81-03-15	IS 6003-1970
315	6831	80-03-16	81-03-15	IS 35752 1977	378	7604	80-03-16	81-03-15	IS 848-1974
316	6835	80-03-16	81-03-15	IS 325-1978	379	7605	80-03-16	81-03-15	IS 6595-1972
317	6840	80-03-16	81-03-15	IS 1135 1973					IS 7538-1975
318	6849	80-03-16	81-03-15	IS 1239 (Part I)-1973	380	7618	80-03-16	81-03-15	IS 10 (Part IV)-1976
319	6860	80-04-01	81-03-31	IS 226-1975	381	7623	80-04-01	81-03-31	IS 2074-1962
320	6866	80-04-01	81-03-31	IS 8051-1976	382	7628	80-03-16	81-03-15	IS 1221-1972
321	6867	80-04-01	81-03-31	IS 204-1974	383	7630	80-04-01	81-03-31	IS 3055-1977
322	6869	80-04-01	81-03-31	IS 458-1971	384	7632	80-04-01	81-03-31	IS 366-1976
323	6872	80-04-01	81-03-31	IS 398 (Part I & II)-1976	385	7633	80-04-01	81-03-31	IS 1601-1960
324	6874	80-04-01	81-03-31	IS 778 1971	386	7635	80-04-01	81-03-31	IS 2339-1963
325	6886	80-05-01	81-04-30	IS 7417 (Part I)-1974	387	7640	80-04-01	81-03-31	IS 261-1966
326	6888	80-04-01	81-03-31	IS 6914-1973	388	7641	80-04-01	81-03-31	IS 203-1972
327	6892	80-04-01	81-03-31	IS 2257-1970	389	7643	80-04-01	81-03-31	IS 335-1972
328	6897	80-04-01	81-03-31	IS 226-1975	390	7646	80-04-01	81-03-31	IS 3062-1974
329	6899	80-04-01	81-03-31	IS 5430-1969	391	7647	80-04-01	81-03-31	IS 4964-(Part II)-1975
330	6900	80-04-01	81-03-31	IS 398 (Part II)-1976	392	7648	80-04-01	81-03-31	IS 1551-1976
331	6901	80-04-01	81-03-31	IS 1786-1966	393	7649	80-04-01	81-03-31	IS 5484-1969
332	6907	80-04-01	81-03-31	IS 3431-1975	394	7650	80-04-01	81-03-31	IS 916-1975
333	6913	80-04-01	81-03-31	IS 6914-1978	395	7652	80-04-01	81-03-31	IS 3901-1975
334	6914	80-04-01	81-03-31	IS 6915-1978	396	7653	80-04-01	81-03-31	IS 4783-1968
335	6916	80-04-01	81-03-31	IS 4100-1967	397	7654	80-04-01	81-03-01	IS 633-1975

1	2	3	4	5
398. 7655	80-04-01	81-03-31	IS: 1507-1977	
399. 7656	80-04-01	81-03-31	IS: 2567-1978	
400. 7657	80-04-01	81-03-31	IS: 8028-1976	
401. 7658	80-04-01	81-03-31	IS: 1696-1974	
402. 7659	80-04-01	81-03-31	IS: 2924-1974	
403. 7660	80-04-01	81-03-31	IS: 4167-1967	
404. 7661	80-04-01	81-03-31	IS: 6406-1977	
405. 7662	80-04-01	81-03-31	IS: 8944-1978	
406. 7663	80-04-01	81-03-31	IS: 4654-1974	
407. 7664	80-04-01	81-03-31	IS: 2557-1963	
408. 7665	80-04-01	81-03-31	IS: 1786-1966	
409. 7666	80-04-01	81-03-31	IS: 1891-(Part I)-1968	
410. 7667	80-04-16	81-01-15	IS: 3065-1970	
411. 7668	80-04-16	81-04-15	IS: 5277-1969	
412. 7672	80-04-01	81-03-31	IS: 2932-1974	
413. 7674	80-04-16	81-04-15	IS: 1875-1971	
414. 7675	80-04-01	81-03-31	IS: 4956-1968	
415. 7679	80-04-16	81-04-15	IS: 4151-1976	
416. 7680	80-04-16	81-04-15	IS: 1601-1960	
417. 7682	80-04-16	81-04-15	IS: 7538-1975	
418. 7683	80-04-16	81-04-15	IS: 1786-1966	
419. 7684	80-04-16	81-04-15	IS: 1161-1968	
420. 7686	80-04-16	81-04-15	IS: 694-1977	
421. 7687	80-04-16	81-04-15	IS: 694-1977	
422. 7692	80-04-16	81-04-15	IS: 8028-1976	
423. 7694	80-04-16	81-04-15	IS: 561-1972	
424. 7695	80-04-16	81-04-15	IS: 4159-1976	
425. 7697	80-04-16	81-04-15	IS: 158-1968	
426. 7698	80-04-16	81-04-15	IS: 2148-1968	
427. 7707	80-04-16	81-04-15	IS: 1239 (Part I)-1978	
428. 7711	80-05-01	81-04-30	IS: 264-1976	
429. 7712	80-05-01	81-04-30	IS: 265-1962	
430. 7713	80-05-01	81-04-30	IS: 3899-1966	
431. 7729	80-05-01	81-04-30	IS: 3905-1966	

[No. CMD/13/12]

A. P. BANERJIE, Additional Director General

उच्चोग संचालन

(भारतीय उच्चोग विभाग)

आदेश

नई दिल्ली, 27 मित्तम्बर, 1980

कांग्रेस 2702--विकास पांडित (कांग्रेसियक) नियमावली, 1952 के नियम 3, 4 और 5 के माध्यम पाठ्य उच्चोग (विकास, नया विकासित) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार एवं द्वारा नियमित व्यक्ति को विद्युत ऊर्जा के अन्तर्वर्तन, पारंपरिक और अधिकारी के लिए (धरेलु काम में आवेदन विधि विभाग और वैनियल विभाग को छोड़कर) मर्यादित और उपकरणों के नियमण में नए अनुसूचित उद्योगों के लिए भारत सरकार, भारी उच्चोग विभाग के अधीन दिनांक 17 फरवरी, 1979 द्वारा गठित की गई भारी वैष्णुन उद्योगों को विकास परिषद् का मदस्य नियुक्त करती है और नियंत्रण देती है कि उक्त ग्राहित में निम्नलिखित प्रतिस्थापन और संशोधन किए जायेंगे, अथवा--

उक्त आदेश में कम सम्भव 9 के मामते की प्रतिविधियों के स्थान पर निम्नलिखित प्रतिविधि रखी जायेगी, अथवा--

"०. श्री के० ग्राह० परमेश्वर,
कार्यकारी निदेशक (पी० ए० ए० डी०)
भारत देशी इलेक्ट्रिकल्स लिमिटेड,
हिन्दुस्तान टाइम्स हाउस,
नई दिल्ली ।

[सं० ई० ग्राह० 19(1)/77]
मनोप गुप्त, संयुक्त मंचित्र

MINISTRY OF INDUSTRY

(Department of Heavy Industry)

ORDER

New Delhi, the 27th September, 1980

S.O. 2702.—In exercise of the powers conferred by section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Govt. hereby appoints the following person to be member of the Development Council for Heavy Electrical Industries constituted by the Order of the Govt. of India, in the Department of Heavy Industry Order dated the 17th February, 1979, for the Scheduled Industries engaged in the manufacture of machinery and equipment for the generation, transmission and distribution of energy (excluding house service members and panel instruments), and directs that the following substitution and amendments shall be made in the said Order, namely :—

In the said Order for entries occurring against S. No. 9 the following entries shall be substituted namely :—

"9. Shri K. R. Paramesvar,
Executive Director (P&D),
BHEL, HT House, New Delhi."

[No. EEI-19(1)/77]
M. C. GUPTA, Jt. Secy.

बेद्रेसिलिंग रक्षायन और उर्बरक संस्थालय

(बेद्रेसिलिंग विभाग)

नई दिल्ली, 24 मित्तम्बर, 1980

कांग्रेस 2703--केंद्रीय सरकार सरकारी स्थान (प्रानधिकृत अधिभोगियों की बेद्रेसिलिंग) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त मर्यादितों का प्रयोग करते हुए, नीचे सारणी स्तम्भ-1 में उल्लिखित अधिकारी को जो नियमित प्राधिकारी होते के साते सरकार के राजपत्रिल अधिकारी के समतुल्य हैं, उक्त अधिनियम के प्रयोगों के लिए मर्यादा अधिकारी नियुक्त करती है जो उक्त मर्यादा के स्तम्भ-2 में विविचिष्ट स्थानों के सम्बन्ध में आवश्यक अधिकारिता की स्थानीय संसाधों के भीतर उक्त प्रशिक्षितमयम के द्वारा या अर्थात् सम्बद्ध प्रधिकारियों को प्रदत्त मर्यादितों का प्रयोग और अधिगणित कर्तव्यों का पालन करेगा :—

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रत्येक और अधिकारिता की स्थानीय सीमाएँ
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उप-निवेशक (कांग्रेसी ग्रीष्म प्रशासन), लेन प्राकृतिक गैस आयोग, मेकर टावर, अमृतसर।	अन्य सम्बद्ध प्रधिकारियों के प्रशासनिक नियमितार्थीन स्थानों को छोड़कर महाराष्ट्र राज्य में नेतृ और प्राकृतिक गैस आयोग के या उसके द्वारा या उसके नियन्त्रित, पट्टे पर लिए गए या अधिगृहीत किए गए स्थान।
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[कांग्रेस 11023/1/80-प्रांगनर्जुन (सी०-III)]
कुलदीप सिंह, डैस्ट्रिक्ट अधिकारी

MINISTRY OF PETROLEUM, CHEMICALS AND
FERTILIZERS
(Department of Petroleum)

New Delhi, the 21th September, 1980

S.O. 2703.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officer mentioned in Column 1 of the table below, being an Officer of the Corporate authority, equivalent in rank to a Gazetted Officer of Government to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officers by or under the said Act within the local limits of their respective jurisdiction, in respect of the premises specified in column 2 of the said table :

TABLE

Designation of the Officer	Categories of Public premises and local limits of jurisdiction.
1	2
Deputy Director (Personnel Administration), Oil & Natural Gas Commission, Marker Towers, Bombay.	Premises belonging to, or taken on lease or requisitioned by, or on behalf of the Oil and Natural Gas Commission in the State of Maharashtra except such of them as are under the administrative control of other Estate Officers.

[F. No. O-11023/1/80—ONG (D.III)]
KULDIP SINGH, Desk Officer.

नई विली, 9 अक्टूबर, 1980

S.O. 2704.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का आंसू 2221 तारीख 14-8-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विचार के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

यतः सभी प्रधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियन किया है।

यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विचार के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

ग्रीष्म धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय नेत्र और प्राकृतिक गैस आयोग में, सभी आधारों से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

कृपा नं० एम०३०३०३० से मोटवान		तालुका : अंगनेश्वर			
राज्य : गुजरात	ज़िला : भारच	गांव	ब्लॉक नं०	हैटेयर	एप्पार सेटीयर
पारझे इंड्रोम			50	0	26 00
			51	0	02 26
			49	0	20 80
			48	0	06 50
			44	0	29 00
			43	0	05 20
			33/A +	0	02 90
			B		
			34	0	32 50
			38	0	23 40
			37	0	15 60
			110	0	03 90
			142	0	48 10
			143	0	10 60
			297	0	15 60
			298	0	06 50

[सं० 12016/(32)/80-ग्रो०]

किरन चड्डा, अवर सचिव

New Delhi, the 9th October 1980

S.O. 2704.—Whereas by a notification of the Government of India in the Ministry of Petroleum, S.O. No. 2221 dated 14-8-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of the power conferred by sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

ROU FOR LAYING FLOW LINE FROM WELL NO. S.D.B.
TO MOTWAN HEADER

State : Gujarat	Dist : Bharuch	Taluka : Ankleshawar			
Village	Block No.	Hect	Are	Centi-	are
PARDI INDRIS	50	0	26	00	
	51	0	02	60	
	49	0	20	80	
	48	0	06	50	
	44	0	29	00	
	43	0	05	20	
	33/A+B	0	02	90	
	34	0	32	50	
	38	0	23	40	
	37	0	15	60	
	110	0	03	90	
	142	0	48	10	
	143	0	19	60	
	297	0	15	60	
	298	0	06	50	

[No. 12016(32)/80-Prod. I]
KIRAN CHADHA, Under Secy.

ऊर्जा मंत्रालय

(विद्युत विभाग)

नई विली, 25 सितम्बर, 1980

का०आ० 2705.—केन्द्रीय सरकार, पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 80 की उपधारा (5) के अनुसरण में, व्यापार प्रयोजन के निम्नलिखित संबंधों का अन्तरण, जिनका मानिसण पूरा हो गया है, उक्त अधिनियम की धारा 80 की उपधारा (6) के साथ पहिल धारा 79 के अधीन गठित भाष्टडा व्याप संबंध शोड़ को 1 अक्टूबर, 1980 से करती है, अर्थात् :—

1. वेहर विद्युत संयंत्र : (1) उच्चारी व्यवस्था तथा सिविल संरचनाओं और समवर्गीय उपस्कर, आनुपांगिक उपस्कर, लिक लाइनों और 400/220/132 के०वी० स्विचबाईड सहित वेहर विद्युत संयंत्र में प्रतिष्ठापित 165 मेगावाट के पहले चार हाइड्रो जनरेटर।

(2) अनुलग्न संकर्म सहित दो न० पेनस्टाक सुरंगे पी०-१ तथा पी०-२।

(3) 400 के०वी० एकल परिष्यव वेहर-पानीपत लाइन।

(4) पानीपत स्थित 400 के०वी० उप-केन्द्र जिसके अन्तर्गत गिरिशन संकर्म, इस केन्द्र के लिए प्रतिष्ठापित विद्युत आनुपर्यायी तथा उपस्कर हैं।

(5) भर्ज शैफ्ट तथा उगरे अनुलग्न संकर्म जिनके अन्तर्गत स्टापलाइग और गेंदी कैन हैं।

2. पांग विद्युत संयंत्र. (1) उच्चारी व्यवस्था तथा मिथिल संकर्म और समवर्गीय उपस्कर, आनुपांगिक उपस्कर, लिक लाइनों और 220 के०वी०/66 के०वी० स्विचबाईड सहित पांग विद्युत संयंत्र, तलकाश में प्रतिष्ठापित 60 मेगावाट के पहले चार हाइड्रो जनरेटर।

(2) अनुलग्न संकर्म सहित दो न० पेनस्टाक सुरंगे पी०-१ तथा पी०-२।

[सं० 21/24/77-बी० ०४४ बी०/झ००-III]
एम० एम० हाण्डा, अवर सचिव

MINISTRY OF ENERGY

(Department of Power)

New Delhi, the 25th September, 1980

S.O. 2705.—In pursuance of sub-section (5) of section 80 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby transfers, with effect from 1st October, 1980, the following components of the Beas Project, in relation to which the construction has been completed, to the Bhakra Beas Management Board, constituted under section 79, read with sub-section (6) of Section 80 of the said Act, namely :—

1. DEHAR POWER PLANT :

- First four 165 MW hydro-generators installed at Dehar Power Plant with step-up arrangement along with Civil works and allied equipment, auxiliary equipment, link lines and 400/220/132 KV Switchyard.
- Two nos. Penstock Tunnels P-1 and P-2, alongwith appurtenant works.
- 400 KV single circuit Dehar-Panipat line.
- 400 KV Sub-station at Panipat, including Civil works, electrical auxiliaries and equipment installed therefor.
- Surge Shaft and works appurtenant thereto including stoplogs and gantry crane.

2. PONG POWER PLANT :

- First four 60 MW hydro-generators installed at Pong Power Plant, Talwara, with step-up arrangement, along with Civil works and allied equipment, auxiliary equipment, link lines and 220 KV/66 KV Switchyard.
- Two nos. Penstock Tunnels P-1 and P-2 along with appurtenant works.

[F. No. 21/24/77-B&B/D. III]
M. L. HANNA, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

आवेदन

नई विली, 29 अगस्त, 1980

का०आ० 2706.—यह भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की 27 मार्च, 1962 की अधिसूचना स० 16-15/61-७८-१ द्वारा केन्द्रीय सरकार ने निर्देश दिया है कि भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजनों के लिए चिकित्सा अर्हता "लाइसेंसिप्रेष्ट इन मैडिसिन गिर्लजिंडा" मान्य चिकित्सा अर्हता होगी।

और यह आ० मोटरगेट फिल्मास मारिया डल गोजेरियो जिनके पास उक्त अर्हता है शैक्षिक अनुमंडन और धर्मार्थी कार्य के प्रयोजनों के लिए फिल्मास आशा भेजा केन्द्र, पी० गोमिया आई०ई०प०४०, जिला गिरजाही, बिहार के साथ सम्बद्ध है;

भ्रष्ट अवधि, उक्त अधिनियम की धारा 14 की उपधारा (1) के परन्तुके भाग (ग) का पालन करते हुए केन्द्रीय सरकार एतदारा—

1. दो वर्ष की अवधि अवधि

2. उस अवधि को जब तक डा० मोटरगेट फिल्मास मारिया डल गोजेरियो उक्त आशा भेजा केन्द्र, पी० गोमिया आई०ई०प०४०,

जिला गिरीह (बिहार) के साथ सम्बद्ध रहते हैं, जो भी कम हो, विनिविष्ट करती है, जिसमें पूर्वोक्त डाक्टर मेडिकल प्रैक्टिस कर सकेंगे।

[मा. बी. 11016/18-एम०ई० (पी०)]

MINISTRY OF HEALTH & FAMILY WELFARE
(Department of Health)

ORDERS

New Delhi, the 29th August, 1980

S.O. 2706.—Whereas by the notification of the Government of India in the late Ministry of Health No. 16-15/61-MI dated the 27th March, 1962, the Central Government has directed that the Medical qualification, "Licenciado en Medicina Cirugia", shall be a recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Montagut Freixas, Maria del Rosario who possesses the said qualification is for the time-being attached to the Asha Seva Kendra, P. O. Gomia I. E. L., District and Giridih, Bihar for the purposes of teaching, Research and charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of Section 14 of the said Act, the Central Government hereby specifies—

(i) a period of two years or.

(ii) the period during which Dr. Montagut Freixas, Maria del Rosario attached to the said Asha Seva Kendra, P. O. Gomia I. E. L., District, Giridih (Bihar) whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. V. 11016/18/78-M.E. (Policy)]

नई दिल्ली, 26 मित्तम्बर, 1980

I. ०आ० 2707.—यह भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की 4 जून, 1964 की प्रधिनियम संख्या एम० 16/8/63-एम०-1, धारा केन्द्रीय सरकार ने निर्देश दिया है कि भारतीय चिकित्सा परिषद प्रधिनियम, 1956 (1956 का 102) के प्रयोजनों के लिए चिकित्सा प्रैक्टिस "एम०डी० (टेक्ससम मूनिवार्मटी, अमेरिका)" मान्य चिकित्सा प्रैक्टिस होगी:—

और यह धा० जैक हावड थथ जिनके पास उक्त प्रैक्टिस है प्रधार्थी काय के प्रयोजनों के लिए फिलहाल किशिचयन मेडिकल कालेज तथा ब्राउन मेडिसिनल अस्पताल, लुधियाना के साथ सम्बद्ध हैं।

प्रत. अब, उक्त प्रधिनियम की धारा 14 की उपधारा (1) के परन्तुके के भाग (ग) का पालन करने वाले केन्द्रीय सरकार तद्दारा—

1. 31 जुलाई, 1981 तक की और प्रवृद्धि, अवधि

2. उम प्रवृद्धि की जब तक धा० जैक हावड थथ उक्त किशिचयन मेडिकल कालेज तथा ब्राउन मेडिसिनल अस्पताल, लुधियाना के साथ सम्बद्ध रहते हैं, जो भी कम हो वह प्रवृद्धि विनियोग करती है, जिसमें पूर्वोक्त डाक्टर मेडिकल प्रैक्टिस कर सकेंगे।

[संख्या बी० 11016/12/80-एम०ई० (पी०)]

New Delhi, the 26th September, 1980

S.O. 2707.—Whereas by the notification of the Government of India in the late Ministry of Health No. F. 16-8/63-MI/HPT dated the 4th June, 1964, the Central Government has directed that the medical qualification "M. D. (Texas University, USA)" shall be recognised medical qualification for the

purpose of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Jack Howard Booth, who possesses the said qualification is for the time-being attached to the Christian Medical College and Brown Memorial Hospital, Ludhiana, for the purposes of charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of Section 14 of the said Act, the Central Government hereby specifies—

(i) a further period upto 31st July, 1981, or

(ii) the period during which Dr. Jack Howard Booth is attached to the said Christian Medical College and Brown Memorial Hospital, Ludhiana whichever is shorter, as the period to which the medical practice by the said doctor shall be limited.

[No. V. 11016/12/80-M.E. (Policy)]

नई दिल्ली, 29 मित्तम्बर, 1980

का० ०० २७०८.—यह भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की 30 दिसम्बर, 1960 को प्रधिनियम संख्या १७-५९/५९-एम०-१ द्वारा केन्द्रीय सरकार ने निर्देश दिया है कि भारतीय चिकित्सा परिषद प्रधिनियम, 1956 (1956 का 102) के प्रयोजनों के लिए चिकित्सा प्रैक्टिस "एम०डी० (चिकित्सी)" मान्य चिकित्सा प्रैक्टिस होना होता।

और यह धा० एलिजाबेथ ए० सोमरफेल्ट किशिचयन मेडिकल कालेज द्वारा अस्पताल, वल्लोर के साथ सम्बद्ध है।

प्रत. प्रब्र उक्त प्रधिनियम की धारा 14 की उपधारा (1) के परन्तुके भाग (ग) का पालन करते हुए केन्द्रीय सरकार एवं धारा—

1. 31 दिसम्बर, 1980 तक की और प्रवृद्धि प्रथा

2. उम प्रवृद्धि की जब तक धा० एलिजाबेथ ए० सोमरफेल्ट किशिचयन मेडिकल कालेज तथा अस्पताल, वल्लोर के साथ सम्बद्ध रहते हैं, जो भी कम हो वह प्रवृद्धि विनियोग करती है, जिसमें पूर्वोक्त डाक्टर मेडिकल प्रैक्टिस कर सकेंगी।

[संख्या बी० 11016/6/80-एम०ई० (पी०)]

का० वेनुगोपाल, अवर सचिव

New Delhi, the 29th September, 1980

S.O. 2708.—Whereas by the notification of the Government of India in the late Ministry of Health No. 17-59/59-MI dated the 30th December, 1960 the Central Government has directed that the Medical qualification, "M.D. (Chicago)" shall be recognised medical qualification for purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Elisabeth A. Sommerfelt, who possesses the said qualification is for the time being attached to the Christian Medical College and Hospital, Vellore, for the purposes of charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of Section 14 of the said Act, the Central Government hereby specifies:—

(i) a further period upto 31st December, 1980, or

(ii) the period during which Dr. Elisabeth A. Sommerfelt, is attached to the said Christian Medical College and Hospital, Vellore whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. V. 11016/6/80-M.E. (Policy)]

K. VENUGOPAL, Under Secy

प्राप्तिक्रिया पुनर्निर्माण मंत्रालय

नई दिल्ली, 19 अक्टूबर, 1980

का० आ० 2709—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तु कारा प्रबन्ध संकायों का प्रयोग करने हए विषयन और निर्देशन निवेशालय नियमाला (अधीनस्थ लेखा सेवा इतर) अन्तीम नियम 1978 का और मानाधन करने के लिए नियमालालिखित नियम बनाने हैं, अधिकृत—

1 (1) इन नियमों का भक्षण नाम विषयन और निरीक्षण निवेशालय लेखालय (अधीनस्थ लेखा सेवा इतर) अन्तीम नियम, 1980 है।

(2) न राजपत्र में प्रकाशन की तारीख का पड़त होगे।

2 विषयन और निरीक्षण निवेशालय लेखालय (अधीनस्थ लेखा सेवा इतर) अन्तीम नियम, 1978 की अनुसूची में संख्या 11 की प्रविधियों के स्थान पर नियमालालिखित प्रविधियों द्वारा जारी, अधिकृत—

संख्या 11

गोपनीय भारतीयों (केंद्रीय सेवा) जिन्होंने अपनी श्रेणी में 5 वर्ष/उच्च प्रेणी सिपायिकों (केंद्रीय सेवा) जिन्होंने अपनी श्रेणी में 8 वर्ष की अनुमंडित सेवा की है, वी प्रतिनियुक्ति द्वारा और जिन्हें शक्ति और लेखा कार्यों का 3 वर्ष का अनुभव है। ऐसे व्यक्तियों को, जिन्होंने मानवान्य प्रशिक्षण और प्रबन्ध स्थान में रोकड़ और लेखा में प्रशिक्षण प्राप्त किया है, अधिकार दिया जाएगा।

(प्रतिनियुक्ति की अवधि सामाचरण 3 वर्ष से अधिक नहीं होगी)।

[स० फा० संख्या 1-14/77-ए०एम०]

के० एम० गुप्ता, प्रबन्ध सचिव

MINISTRY OF RURAL RECONSTRUCTION

New Delhi, the 19th September, 1980

S.O. 2709—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Directorate of Marketing and Inspection, Accountant (Non-SAS) Recruitment Rules, 1978, namely :—

1. (1) These rules may be called the Directorate of Marketing and Inspection Accountant (Non-SAS) Recruitment (Amendment) Rules, 1980.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Schedule to the Directorate of Marketing and Inspection Accountant (Non-SAS) Recruitment Rules, 1978, for the entries in column 11, the following entries shall be substituted, namely :—

Column 11 :

"By deputation of Assistants (CSS) with 5 years approved service/Upper Division Clerks (CSCS) with 8 years approved service in the respective grades, having 3 years experience in Cash and Accounts matters. Persons trained in Cash and Accounts at the Institute of Secretariat Management and Training will be preferred. (Period of deputation ordinarily not exceeding 3 years)".

[No. F. 1-14/77-AM]

K. L. GUPTA, Under Secy.

सूचना और प्रसारण मंत्रालय

प्रावेश

नई दिल्ली, 27 अक्टूबर, 1980

का० आ० 2710—भारत सरकार के सूचना और प्रसारण मंत्रालय के शादेश मल्या एल० आ० 3792, दिनांक 2 दिसम्बर 1966 की प्रथम अनुच्छेदी में नियमित प्रत्येक अधिनियम के उपबंध के अन्तर्गत जारी किए अनुदेशों के अनुसार केन्द्रीय सरकार, फिल्म उलाहकार बोर्ड, बम्बई की मिफालियों पर विनाश करने के बाद एनडीआर इसके साथ लगी अनुसूची के कालम 2 में दी गई फिल्मों को उनके मध्ये भारतीय भाषाओं के स्पौतरी सहित जिनका विवरण प्रत्येक के सामने उक्ते अनुच्छेदी के कालम 6 में दिया हुआ है, स्वीकृत करती है।

अनुसूची

क्रम	फिल्म का नाम	फिल्म की लम्बाई (मीटरों में)	प्रावेशक का नाम	निर्माता का नाम	या वैज्ञानिक फिल्म है या शिक्षा संबंधी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमेंट्री फिल्म है।
(1)	(2)	(3)	(4)	(5)	(6)
1	भारतीय समाचार चित्र संचया 1661 (राष्ट्रीय)	202.00	फिल्म प्रशासन, भारत सरकार, 24 पैडर रोड, बम्बई 26		समाचार और सामयिक घटनाओं की फिल्म (सामान्य प्रदर्शन के लिए)
2	भारतीय समाचार चित्र संचया 1661 (दक्षिणी)	295.00	—तदेव—		समाचार और सामयिक घट नाओं की फिल्म (दक्षिणी संकिट में प्रदर्शन के लिए)

(1)	(2)	(3)	(4)	(5)	(6)
3. जैयरिंग रेमपान्मिलिटी		288.00	श्री दी० एम० आजीम कुमार पीटर्स गोड, रोद्याय, मश्रूम 14		ज्ञानमंडी फिल्म (सामान्य प्रदर्शन के लिए)
4. एंड आफ दि गेम		594.55	श्री एन० बी० के० मूर्ति, निवे- शक, भारतीय फिल्म और टेलीविजन सस्थान, पूर्णे।		--तदैव--
5. श्रीवत्सु		352.96	डा० अबीरलाल मुखर्जी, 15/1 निर्मलशन्द स्टूट, कलकत्ता-12		शिक्षा संबंधी फिल्म (सामान्य प्रदर्शन के लिए)
6. इन हिन्दूल सर्च टू अपरनाथ		289.00	प्रभान मुखर्जी, माऊंट एवरेस्ट मुद्रित, एन०/1/19, हौज खाम, नई दिल्ली-16		ज्ञानमंडी फिल्म (सामान्य प्रदर्शन के लिए)
7. भारतीय समाचार चित्र मंड्या 1864 (राष्ट्रीय)		236.00	फिल्म प्रभाग, भारत सरकार 24 पैडर रोड, बम्बई 26		समाचार और सामयिक घटनाओं की फिल्म (सामान्य प्रदर्शन के लिए)
8. भारतीय समाचार चित्र मंड्या 1664 (उत्तरी)		301.00		--तदैव--	समाचार और सामयिक घटनाओं की फिल्म (उत्तरी संकिट में प्रदर्शन के लिए)
9. भरती प्रूम रही गुजरात की		448.06	आविनाश उद्यास, घरटा माऊंट रोड, पुण्यक, 5वां तल, फ्लैट न० 51 बम्बई 26		ज्ञानमंडी फिल्म (सामान्य प्रदर्शन के लिए)
10. इट हैफड प्रृष्ठ मिडनाइट		151.57	फिल्म प्रभाग, भारत सरकार 24 पैडर रोड, बम्बई 26		--तदैव--
11. ब्लूअ आप दिम		60.00		--तदैव--	--तदैव--
12. भारतीय समाचार चित्र संक्षा 1662 (राष्ट्रीय)		298.00		--तदैव--	समाचार और सामयिक घटनाओं की फिल्म (सामान्य प्रदर्शन के लिए)
13. महाराष्ट्र समाचार संस्था 34४		303.00	मूर्जना और जन सम्पर्क महा- निवेशालय, महाराष्ट्र रकार फिल्म सेंटर, 68 नारंगें रोड, बम्बई 34		समाचार और सामयिक घटनाओं की फिल्म (महाराष्ट्र संकिट में प्रदर्शन के लिए)
14. माहिनी चित्र मंड्या 330		178.76	महायक मूर्जना निवेशक, गुज- रात सरकार, रेमनोर्ड अनु- संधान प्रयोगशाला लिं०, प्लाट न० 77, डा० एनी० वीसेंट रोड, बॉम्बी, बम्बई 18		समाचार और सामयिक घटनाओं की फिल्म (गुजरात संकिट में प्रदर्शन के लिए)
15. भारतीय समाचार चित्र मंड्या 1663 (राष्ट्रीय)		228.00	फिल्म प्रभाग, भारत सरकार 24 पैडर रोड, बम्बई		समाचार और सामयिक घटनाओं की फिल्म (सामान्य प्रदर्शन के लिए)
16. भारतीय समाचार चित्र संस्था 1663 (पश्चिमी)		299.00		--तदैव--	समाचार और सामयिक घटनाओं की फिल्म (पश्चिमी संकिट में प्रदर्शन के लिए)

[फाइल सं० 315/1/80 एफ (पी)]
अर्जन देव मलिक, डेस्क अधिकारी

MINISTRY OF INFORMATION & BROADCASTING
ORDER

New Delhi, the 27th September, 1980

S.O. 2710.—In pursuance of the directions issued under the provision of each of the enactments specified in the First Schedule to the Order of the Government of India in the Ministry of Information & Broadcasting No. S.O.3792 dated the 2nd Dec., 1966 the Central Government after considering recommendations of the Films Advisory Board, Bombay hereby approves the films specified in col. 2 of the Schedule annexed hereto in all its/their language versions to be of the description specified against it/each in column 6 of the said schedule.

SCHEDULE

Sl No	Title of the Film	Length of the film in meters	Name of the applicant	Name of the Producer	Brief whether a synopsis scientific film or for educational purpose of a film dealing with news current events or documentary film
1	2	3	4	5	6
1	Indian News Review No 1661 (National)	202 00m	Films Div Govt of India 24-Peddar Road, Bombay-26		News and current Events General Release
2	Indian News Review No 1661 (Southern)	295 00m	-do-		News and current Events Release in Southern circuit
3	Sharing Responsibility	288 00m	Shri T.S Ajit Kumar, Peters Road, Royapettan, Madras-14		Documentary General release
4	End of the Game	594 55m	Shr N V K Murthy, Director, Film & TV Institute of India Pune		Documentary General release
5	Shrinwantu	352 96m	Dr Abirlal Mukherjee, 15/1 Nirmal Chandra St, Calcutta-12		Educational General release
6	In Eternal Search to Amarnath	289 00m	Prabhat Mukherjee, Meeta Everest Movies, L/1/19 Hauz Khas, New Delhi-16		Documentary General release
7	Indian News Review No 1664 (National)	236 00m	Films Division, Govt of India 24-Peddar Road, Bombay-26		News and Current Events General release
8	Indian News Review No 1664 (Northern)	301 00m	-do-	-do-	News and Current Events Release in Northern circuit
9	Dharati Zoom Rahi Gujaratki	448 06m	Avinash Vyas, Altamount Road, Pushpak, 5th Floor, Flat No 51 Bombay-26		Documentary General release
10	It Happend at Midnight	151 57m	Films Division (Govt of India), 24-Peddar Road, Bombay-26		Documentary General Release
11	Why All This	60 00m	-do-	-do-	Documentary General Release
12	Indian News Review No 1662 (National)	298 00	Films Division, Govt of India, 24-Peddar Road, Bombay-26		News and Current Events General Release
13	Maharashtra News No 348	303 00m	Director General of Information & Public Relations, Govt. of Maharashtra, Film Center 68-Tardeo Road, Bombay-34		News and Current Events Release in Maharashtra circuit
14	Mahituchitra No 330	178 76m	Asstt Director of Information Govt of Gujarat, Rammord Research Laboratories Ltd., Plot No 77, Dr. Annie Besant Road, Worli, Bombay-18		News and Current Events Release in Gujarat circuit
15	Indian News Review No 1663 (National)	228 00m	Films Division (Govt of India) 24-Peddar Road, Bombay		News and current Events General Release
16	Indian News Review No 1663 (Western)	299 00m	-do-	-do-	News and Current Events Release in Western circuit.

[File No. 315/1/80-F(P)]
A D MALIK, Desk Officer

संचार मन्त्रालय

नई दिल्ली, 12 अप्रैल, 1980

का० आ० 2711—केन्द्रीय संचार सरार्हि स्थान (प्राप्तिविनियम अधिसूचिग्रन्थी भी देखें) प्राप्तिविनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त नृत्यों का प्रयाग करते हुए और भारत सरकार के संचार मन्त्रालय की प्रधिसूचना का० आ० 780, तारीख 25 जनवरी, 1978 का प्राप्तिविनियम के स्थान पर विवेश संचार सेवा के विवेशक (प्रशासनिक उपरिवेशक (प्रशासन) के स्थान पर विवेश संचार सेवा के विवेशक (प्रशासन) GI/80-6

सन) का जो सरकार के राजपत्रांत्रधिकारी हैं, उन्हें आधिकारियम के प्रयोजनों के लिए सम्बद्ध भावकारी तिरुक्त करती है, जो विवेश संचार मन्त्रा के प्रशासनिक नियंत्रणाधीन स्थानों के सबध में ग्रामीण प्रधानार्थी की स्थानीय समाजों के सीधे उनके आधिकारियम द्वारा या उनके प्रधीन, सम्बद्ध प्रधिकारी को प्रदत्त शक्ति । प्र. प्रयोग और प्रधिसूचित कर्तव्यों का पालन करेंगे।

[का० सम्बद्ध दी-11014/6/77-प्र०सी०]
दी० प्राप्ति० पंजाबी, पंजाब संचित

MINISTRY OF COMMUNICATIONS

New Delhi, the 12th August, 1980

S O 2711—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, (40 of 1971) and in partial modification of the notification of the Government of India in the Ministry of Communications No S O 780 dated 25th February, 1978, the Central Government hereby appoints Director (Administration), Overseas Communications Service, Headquarters Office, Bombay, being Gazetted Officer of Government to be estate officer in place of Deputy Director (Administration), Overseas Communications Service Headquarters Office, Bombay, for the purposes of the said Act who shall exercise the powers conferred and perform the duties imposed on estate officer by or under the said Act within the local limits of his jurisdiction in respect of premises under the administrative control of the Overseas Communications Service

[F. No D-110/4(6)/77-OC]
T. I PUNJABI, Under Secy

अमंत्रालय

मई विल्सी, 15 मई, 1980

का० आ० 2712—केन्द्रीय सरकार की गय है कि इससे उपायुक्त अनुसूची में विभिन्न विषय के बारे में स्टील अधिकारी आक इंडिया लिमिटेड की राउरकेला इस्पात संवेद की पुरनापनी ब्रॉन-पर्टर और डोलोमाइट खात्र के टेक्नोर सुन्दरगढ़ माइनिंग नेवर कट्टेक्ट कोप्रापरेटिव सोसाइटी लिमिटेड के प्रबन्ध से संबंधित एक औद्योगिक विवाद नियोजकों और उनके कमेंटरों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को व्याय निर्णयन के लिए निर्वाचित करना चाहीय समझती है,

अत केन्द्रीय सरकार औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के लाई (अ) हारा प्रबन्ध नियोजकों का प्रयोग करते हुए, एक औद्योगिक अधिकारण गठित करती है जिसके पीठासीन अधिकारी श्री एम०वी० गंगाराज होंगे, जिसका मुख्यालय भुवनेश्वर में होगा और उक्त विवाद को उक्त औद्योगिक अधिकारण को व्यायनिर्णयन के लिए सिद्धेश्वर करती है।

अनुसूची

व्या पुन्दरगढ़ माइनिंग नेवर कट्टेक्ट कोप्रापरेटिव सोसाइटी लिमिटेड के निम्नलिखित 189 अधिकों को किसी प्रकार का निवाह भसा दिया जिन्हा 8-1-72 से निलमित करने/गोजगार देने से इकाई की कारबाई व्यायोचित है? यदि नहीं, तो वे किस प्रकार उपनुतोष के हक्कावार हैं?

अधिकों की सूची

- श्री बेनुधर वास
सुपुत्र श्री मरवाला वास
- श्री आरा शोरम
सुपुत्र श्री चम्पा शोरम
- श्री भारतीन धरला
सुपुत्र श्री धारकम धरला
- श्री कलेमेट एसेसम
सुपुत्र श्री पोखरेप एसेसम
- श्री एम्बल्स लुन
- श्री भानी रथी गाला
सुपुत्र श्री बुधु गोला
- श्री सोमवरा तिगा
सुपुत्र श्री बोरगे तिगा
- श्री गजेन्द्र तिहाई
सुपुत्र वंगी

- खदान
- खनक
- जेन-एन्ज आपरेटर
- खदान पर्यवेक्षक
- खनक
- जेन-एन्ज आपरेटर
- जेन-एन्ज आपरेटर
- खदान पर्यवेक्षक

9. श्री फिरबुस कुशुर सुपुत्र श्री सिरिल कुशुर	मुख्य पर्यवेक्षक
10. श्रीमती पुलतार दाम पत्नी बेनुधर वास	खनक
11. श्रीमती सोमधारी पत्नी गजेन्द्र तिहाई	खनक
12. श्री केंशार० हलदर सुपुत्र कें० हलदर	दाइम-कीपर
13. श्री मसासी कुशुर सुपुत्र सुलेमान कुशुर	विस्फोटन पर्यवेक्षक
14. श्री जोसफ मुडा सुपुत्र सोमा मुडा	जेन-एन्ज आपरेटर
15. श्री कें० योकापन सुपुत्र केलन	खनकी
16. श्रीमती सोमारी पुत्री दोकहीया शोरम	टी०प्लार०डल्ट्य०
17. श्री सुरेन्द्र सुपुत्र भवन	—यथोक्त—
18. श्री प्रेमसुख सुपुत्र माल	—यथोक्त—
19. श्रीमती मरियम पत्नी जोसफ	—यथोक्त—
20. श्री सुकलाल पुत्र श्री मुर्शीन	खनक
21. श्री जेम्स मीन्ज सुपुत्र मासीदास	कोम्प-आपरेटर
22. श्रीमती बलदोनी पुत्री चिरनाय	खनक
23. श्रीमती सम्बारी पुत्री गोडरा	यथोक्त
24. श्रीमती बलमदीरा पुत्री भागीरथी गोडला	यथोक्त
25. श्री बुधु सुपुत्र आमरा	यथोक्त
26. श्री मोदल लूहर सुपुत्र भागीरथ गोडला	यथोक्त
27. श्री सुकरा सुपुत्र भागीरथी गोडला	यथोक्त
28. श्रीमती नानकी पत्नी भागीरथी गोडला	टी०प्लार०डल्ट्य०
29. श्रीमती सोमारी पुत्री सुखु	यथोक्त
30. श्री फूल तिहाई सुपुत्र सोमा	खनक
31. श्री जेम्स सुपुत्र मेधो	—यथोक्त—
32. श्री सुकरा सुपुत्र बुद्धु	यथोक्त
33. श्रीमती मांगरी पुत्री लुरकु	यथोक्त
34. जनास सुपुत्र पोलस	यथोक्त
35. श्रीमती ग्रगलेश पुत्री आम्बरा	यथोक्त
36. श्रीमती जाँगी पुत्री मुकरा	यथोक्त

37. श्रीमती सालमी पुत्री इलेरिस	खनक	65. श्रीमती तैलानी पुत्री बुधु	खनक
38. श्रीमती मुक्तानी पुत्री रैफल	यथोक्त	66. श्रीमती अलीसोर पुत्री थोमस	यथोक्त
39. श्रीमती सालमी पुत्री बरना	यथोक्त	67. श्रीमती बेरोनिका पुत्री पतरास	यथोक्त
40. श्रीमती राहील पुत्री सोमा	यथोक्त	68. श्री अलफास निकोहान	हैडरोल हैलर
41. श्रीमती जुलिस पुत्री सामू	यथोक्त	69. श्री थूरु सुप्रब गणेश	खनक
42. श्रीमती राहील पुत्री डेनियल	यथोक्त	70. श्री पाटिया सुमुत सोमरा तिमा	खनक
43. श्रीमती जोहनी पुत्री नोन्हो	यथोक्त	71. श्रीमती फुला पुत्री मुकरा	यथोक्त
44. जुकीम धरला सुप्रब कुशाल	जैक-एच आपरेटर	72. श्रीमती एतवानी पुत्री सामू	यथोक्त
45. श्री लज्जर सुप्रब एटोनी	यथोक्त	73. श्रीमती हुक्कुनी पुत्री सोमा	यथोक्त
46. श्री जुनास सुप्रब पोत्स्मो	खनक	74. श्रीमती फिलोमिना पुत्री जोहन	यथोक्त
47. श्री सुरत्समारी सुप्रब पीलुश	टी०मार०डब्ल्यू०	75. श्रीमती मोमारे पुत्री लोधा	यथोक्त
48. श्रीमती तुलारी सुप्रब बुधु	यथोक्त	76. श्रीमती बुधन पुत्री कालजरा	यथोक्त
49. श्रीमती सिलवीया पुत्री जुर्जियस	खनक	77. श्रीमती चानी पुत्री लोधा	यथोक्त
50. श्रीमती सालमी पर्नी आगोपद	यथोक्त	78. श्रीमती लिड्डी पुत्री लोधा	यथोक्त
51. श्रीमती फुलमानी पुत्री मासीवास	यथोक्त	79. श्री मांगरा सुप्रब लांगा	जैक एच० हेल्पर
52. श्री टोपल सुप्रब मारी	यथोक्त	80. श्री वेषा सुप्रब एतवा	खनक
53. श्री भीमसेंट सुप्रब एमरस	टी०मार०डब्ल्यू०	81. श्रीमती फूला पस्ती भोसा	यथोक्त
54. श्रीमती पानसीना पुत्री कारलूण	यथोक्त	82. श्री मुकरा सुप्रब बिरसा	जैक एच० हेल्पर
55. श्रीमती शान्ति पुत्री मेंधो	यथोक्त	83. श्रीमती चारी पुत्री मुट्टु	खनक
56. श्री टेक्का सुप्रब कितू	यथोक्त	84. श्रीमती बिरसी पुत्री रातिया	यथोक्त
57. श्री सोमा सुप्रब भोकरे	यथोक्त	85. श्रीमती जोनी पुत्री धीमे	यथोक्त
58. श्री केरमा सुप्रब भितू	पम्प आपरेटर	86. कानहु पुत्र रातिया	टी०मार०डब्ल्यू०
59. श्री भूकनकाल सुप्रब धासी राम	खदान पर्यवेक्षक	87. श्रीमती चारी पुत्री लांगा	खनक
60. श्री घंटी यम सुप्रब सोदारीहिंद	टी०मार०डब्ल्यू०	88. श्री बुदु सुप्रब लांगा	यथोक्त
61. श्री तीनुशा सुप्रब पातरस	खनक	89. श्री जागरेको सुप्रब देवनाथ	टी०मार०डब्ल्यू०
62. श्रीमती मरियम पुत्री सीजास	यथोक्त	90. श्री पश्चा सुप्रब मूकदू	हैड हेडलर
63. श्रीमती बेर्नीनिया पुत्री नुग्रास	यथोक्त	91. श्री एतवा सुप्रब केसा	टी०मार०डब्ल्यू०
64. श्रीमती मरियम पुत्री जेलसिस	यथोक्त	92. श्रीमती मांगरी पुत्री जेमा	खनक

93. श्री रमनाथ	जेक एच० आपरेटर	121. श्रीमती बुधुनी	खनक
मुमुक्षु बेलगा		पत्ती शीरसा	
94. श्रीमती चारी	खनक	122. श्रीमती इलीशोभा	यथोक्त
पुत्री पोलुस		पत्ती-सोदरेक	
95. श्रीमती जावानी	यथोक्त	123. श्री सोमरा	यथोक्त
पुत्री भूक्त		मुकुल बांदवा	
96. श्रीमती मुकरो	यथोक्त	124. श्री धनमासी	यथोक्त
पुत्री सुकरा		मुपुल सन्दोष	
97. श्रीमती फूलमानी	यथोक्त	125. श्रीमती कलोरा	यथोक्त
पुत्री चारों		पुत्री धनमासी	
98. श्रीमती सालमी	यथोक्त	126. श्री लेदो	यथोक्त
पुत्री मासीदास		मुकुल मुख	
99. श्रीमती सालमी	यथोक्त	127. श्री पुना	हैड होलडर
पुत्री गावरील		सुपुल रघु	
100. श्रीमती ज्ञातियो	यथोक्त	128. श्री धूकुवा	यथोक्त
पुत्री एसवा		सुकुल रघु	
101. श्री विश्वनाथ	यथोक्त	129. श्रीमती गुरवारी	टी०आर०डब्ल्यू०
सुपुल हृषिल		पुत्री रघु	
102. श्री सोमा	यथोक्त	130. श्री लिरारा	खनक
मुमुक्षु चामरा		सुपुल चामरा	
103. श्रीमती वीरसी	यथोक्त	131. श्री दी० शालन	विल कलक
पुत्री लकना		सुपुल जी० बेनेधन	
104. श्रीमती जोरी	यथोक्त	132. श्री अजमोलो बेदी	हेल्पर
पुत्री बीरसा		सुपुल ज्ञामुष्टु बेदी	
105. श्रीमती कूली	यथोक्त	133. सरदार भजन सिह	ड्राइवर-कम-
पुत्री जी०			मेकेनिक
106. श्री टीहीरू	यथोक्त	134. श्री गदावर सेठी	राज
सुपुल धानी		सुपुल हृषी सेठी	
107. श्री सानिका	यथोक्त	135. श्री बीर बहादुर	काचमीम
सुपुल धानी		136. श्री आर० सी० पिल्ले	प्राफिल ऐसिस्टेंट
108. श्रीमती मुकरो	यथोक्त	137. श्री के० नियाननाथ	विजयी मिस्ट्री
पुत्री बुधवा		138. श्री सरत च० दास	गिम्ब-प्रेसी लिपिक
109. श्रीमती मेरी	यथोक्त	सुपुल गणेश्वर दास	
पुत्री बेनेडिक		139. श्री एम्प्लायम कुजर	
110. श्रीमती वीरसी	यथोक्त	140. जेकरीस जोगी	पर्याप्तेश्वर
पुत्री सोमरा		141. श्री नवीनीलाल	खनक
111. श्रीमती सिरमाली	यथोक्त	142. मातिप्राम जोगी	कम्प० आपरेटर
पुत्री शूबराज		143. एम० लैकावल्द	नेक्काकार
112. श्रीमती सीमारी	यथोक्त	144. जोगेक बाराला	हेल्पर
पुत्री एतवा		सुपुल जोहन बराला	
113. श्रीमती सीरीमाली	यथोक्त	145. श्री कातिक गोड	हेल्पर
पुत्री गोपाल		सुपुल श्रीधर गोड	
114. श्रीमती पारखती	यथोक्त	146. श्री शंकर बरीक	खालाली
पुत्री कातिसी		147. श्री भवाली आचार्य	मुंगी
115. श्रीमती जोनी	यथोक्त	सुपुल हृषी आचार्य	
पुत्री मानग		148. श्रीमती बालेमा मुंडा	टी०आर०डब्ल्यू०
116. श्रीमती सिलमूनी	यथोक्त	बीजाय मुंडा	
पुत्री काड़ू		149. श्री लालेसह	यथोक्त
117. श्रीमती भोगरी	यथोक्त	सुपुल भोकरी	
पुत्री बम्हू		150. धुका	यथोक्त
118. श्री रामेश	यथोक्त	सुपुल बासु	
पुत्री धांधी		151. श्री पीउस	यथोक्त
119. श्रीमती सीमारी	यथोक्त	सुपुल इसाक	
पुत्री लोहरी		152. श्रीमती बालो	यथोक्त
120. श्रीमती भूमी	यथोक्त	पत्ती मादी	
पुत्री मुना			

153. श्री मद्दाना सुपुत्र मार्ग	हैंड होलडर	182. श्री मोहम्मद सुपुत्र हैंडला	खनक
154. श्री लूकास सुपुत्र जोशफ	टी०आर०डब्ल्यू०	183. श्रीमती सुनी पत्नी सुकरा	यथोक्त
155. श्री डेनियल सुपुत्र सोमा	यथोक्त	184. श्रीमती शुभ्मूली पत्नी सुकरा	यथोक्त
156. श्री द्वारी सुपुत्र लोधरा	यथोक्त	185. श्रीमती-सुसो पत्नी रतीराम	यथोक्त
157. श्री अनबीश	हैंड होलडर	186. श्रीमती गर्डे पत्नी गोडिया	यथोक्त
158. श्री सुखदेव	टी०आर०डब्ल्यू०	187. श्रीमती रामदुलारी पत्नी गोविन्दा	यथोक्त
159. श्रीमती राहिल पुत्री डेनियल	हैंड होलडर	188. श्री अनबीस कार्केटा	पम्प-प्रापरेटर
160. श्री एताया सुपुत्र बेलो	टी०आर०डब्ल्यू०	189. श्री भरीनम	
161. श्री बाना सुपुत्र लक्ष्मण	हैंड होलडर		
162. श्री दशरथ सुपुत्र कर्मदयाल	टी०आर०डब्ल्यू०		
163. श्रीमती गैरी पत्नी कर्मदयाल	यथोक्त		
164. श्री जोहन सुपुत्र वरनादास	एच०एच०		
165. श्री सोमरा सुपुत्र बुधन	टी०आर०डब्ल्यू०		
166. श्री आनन्दमासी सुपुत्र नुप्रस	सी/पी		
167. श्रीमती सवागं पत्नी आनन्दमासी	पी०आर०डब्ल्यू०		
168. श्रीमती व्यानन्दी पुत्री लोधा	यथोक्त		
169. श्री बंधाना सुपुत्र मार्गी	यथोक्त		
170. श्री भोरजो सुपुत्र पुटुक	यथोक्त		
171. श्रीमती झीराम पत्नी जोटो	यथोक्त		
172. श्री जगदेव सुपुत्र देवीनाथ	यथोक्त		
173. पीतरस्म	हैंड होलडर		
सुपुत्र बेंडीक			
174. श्रीमती साक्षीना पत्नी सीलाम	खनक		
175. श्रीमती जरती पत्नी लक्ष्मण	यथोक्त		
176. श्रीमती वीरसी पत्नी सोमा	यथोक्त		
177. श्री टंकू सुपुत्र लंका	डब्लू०एस०		
178. श्री महादेव सुपुत्र सीमा	खनक		
179. श्री रहुनाथ सुपुत्र बीषु	यथोक्त		
180. श्रीमती फूलसिंह पुत्री मोहना	यथोक्त		
181. श्रीमती जीरा पुत्री रुपनाथ	यथोक्त		

[मं० एल० 29011(28)/78-ह० III (ची)]

S.O. 2712.— Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Sundergarh Mining Labour Contract Co-operative Society Ltd., Contractors at Purnapani Limestone & Dolomite Quarry of Rourkela Steel Plant of Steel Authority of India Ltd., Purnapani and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Govt. hereby constitutes an Industrial Tribunal of which Shri M.V. Gangaraju shall be the Presiding Officer, with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the suspension/refusal of employment to 189 workers as mentioned below of Sundergarh Mining Labour Contract Co-operative Society Limited without paying any subsistence allowance with effect from 8-1-72 is justified? If not, what relief they are entitled to? ”

LIST OF WORKERS

1. Sri Benudhar Dash S/o. Mardgali Dash	Qry. Supervisor
2. Sri Charwa Oram S/o. Champa Oram	Minor
3. Sri Martin Barla S/o. Barrbas Barla	Jack-H. Helper Operator
4. Sri Clement Xess S/o. Paulus Xess	Wry. Supervisor
5. Sri Ambun Lugun S/o. Martin Lugus	Miner
6. Sri Bhagirathi Goala S/o. Budhu Goala	Jack H. Helper
7. Sri Sombra Tigga S/o. Borge Tigga	Jack H. Operator
8. Sri Gajendra Singh S/o. Basti Singh	Qry. Supervisor
9. Sir Phirdus Kujur S/o. Sril Kujur	Chief Supervisor
10. Smt. Phultan Dash W/o. Benudhar Dash	Miner
11. Smt. Sombari W/o. Gajendra Singh	Miner

12. Sri K.R. Haldar S/o. K. Haldar	Time Keeper	45. Sri Lajhar S/o. Antoni	Jack H. Operator
13. Sri Mansasi Kujur S/o. Suleman Kujur	Blasting Supervisor	46. Sri Junash S/o. Pauluoch	Miner
14. Sri Joseph Munda S/o. Soma Munda	Jack H. Operator	47. Sri Suratmasi S/o. Paulush	T.R.W.
15. Sri K. Thankapan S/o. Kelan	Store keeper	48. Smt. Dulari S/o. Budhu	-do-
16. Smt. Somari D/o. Dokhia Oram	T.R.W.	49. Smt. Silbia D/o. Julius	Miner
17. Sri Surendra S/o. Madan	-do-	50. Smt. Salmi W/o. Agapit	-do-
18. Sri Prem Singh S/o. Mangal	-do-	51. Smt. Fulmani D/o. Masidas	-do-
19. Smt. Marriyam W/o. Joseph	-do-	52. Sri Topal S/o. Mashl	-do-
20. Sri Suklal S/o. Sudersan	Miner	53. Sri Bhimsent S/o. Amrus	T.R.W.
21. Sri Jemes Minz S/o. Masidas	Comp- operator	54. Smt. Panlina D/o. Karlush	-do-
22. Smt. Balmoti D/o. Chirnath	Miner	55. Smt. Santi D/o. Megho	-do-
23. Smt. Sambari D/o. Gandra	-do-	56. Sri Temba S/o. Kinu	-do-
24. Smt. Belamdira D/o. Bhagirathi Gowala	-do-	57. Sri Soma S/o. Bhokre	-do-
25. Sri Budhu S/o Chamra	-do-	58. Sri Kerma S/o. Mitu	Pump Operator
26. Sri Modan Luhar S/o. Bhagirathi Gowala	-do-	59. Sri Bhukan Lall S/o. Ghasiram	Qry. Supervisor
27. Sri Sukra S/o. Bhagirathi Gowala	-do-	60. Sri Dhaniram S/o. Sodashib	T.R.W.
28. Smt. Nanki W/o. Bhagirathi Gowala	T.R.W.	61. Sri Minush S/o. Patras	Miner
29. Smt. Somari D/o. Sukhu	Miner	62. Smt. Marriyam D/o. Silash	-do-
30. Sri Phulsingh S/o. Soma	-do-	63. Smt. Berjenia D/o. Nuas	-do-
31. Sri Jemes S/o. Megho	-do-	64. Smt. Mariyam D/o. Jabris	-do-
32. Sri Sukra S/o. Lurku	-do-	65. Smt. Telani D/o. Budhua	-do-
33. Smt. Mangri D/o. Lurku	-do-	66. Smt. Alisor D/o. Thomas	-do-
34. Sri Junas S/o. Paulush	-do-	67. Smt. Beronika D/o. Patras	-do-
35. Smt. Angesh D/o. Chambra	-do-	68. Sri Alfas Nicodin	Hand Role Driller
36. Smt. Jauri D/o. Sukra	-do-	69. Sri Thuru S/o. Ganesh	-do-
37. Smt. Salmi D/o. Elirush	-do-	70. Sri Patia S/o. Somra Tigga	Miner
38. Smt. Susani D/o. Rephel	-do-	71. Smt. Fulla D/o. Sukra	-do-
39. Smt. Salmi D/o. Barna	-do-	72. Smt. Etwari D/o. Samu	-do-
40. Smt. Rahil D/o. Soma	-do-	73. Smt. Budhuni D/o. Soma	-do-
41. Smt. Julius D/o. Sagu	-do-	74. Smt. Philomina D/o. Johan	-do-
42. Smt. Rahil D/o. Danila	-do-	75. Smt. Somari D/o. Lodha	-do-
43. Smt. Jobani D/o. Nondo	-do-	76. Smt. Budhan D/o. Kandra	-do-
44. Juakim Barla S/o. Kushal	Jack H. Operator	77. Smt. Chani D/o. Lodha	-do-

78. Smt. Libdhi D/o. Lodha	Miner	111. Smt. Girmati D/o. Dubraj	Miner
79. Sri Mangra S/o. Langa	Jack H. Helper	112. Smt. Somari D/o. Etwa	-do-
80. Sri Dewa S/o. Etwa	Miner	113. Smt. Sirimati D/o. Gopal	-do-
81. Smt. Phulla W/o. Bhosa	-do-	114. Smt. Parbati D/o. Katisao	-do-
82. Sri Suhra S/o. Birsha	Jack H. Helper	115. Smt. Jauni D/o. Mangru	-do-
83. Smt. Chari D/o. Bhutku	Miner	116. Smt. Silmuni D/o. Kandru	-do-
84. Smt. Birshi D/o. Ratia	-do-	117. Smt. Mangri D/o. Bandhu	-do
85. Smt. Jauni D/o. Dheme	-do-	118. Sri Ramdeo S/o. Dhadi	-do
86. Kanhu S/o. Ratia	T.R.W.	119. Smt. Somari D/o. Lohari	-do
87. Smt. Chari D/o. Langa	Miner	120. Smt. Muni D/o. Muna	-do-
88. Sri Butu S/o. Langa	-do-	121. Smt. Budhuni W/o. Birsha	-do-
89. Sri Jagdeo S/o. Deonath	T.R.W.	122. Smt. Elisobha W/o. Sodrek	-do-
90. Sri Panna S/o. Bhutku	Hand Holer	123. Sri Somra S/o. Charwa	-do-
91. Sri Etwa S/o. Kalla	T.R.W.	124. Sri Dhanmashi S/o. Santosh	-do-
92. Smt. Mangri D/o. Jema	Miner	125. Smt. Elora D/o. Dhanmashi	-do-
93. Sri Rupnath S/o. Belga	Jack H. Operator	126. Sri Labo S/o. Muru	-do-
94. Smt. Chari D/o. Paulush	Miner	127. Sri Punna S/o. Raghu	Hand Holer
95. Smt. Jawani D/o. Bhuktu	-do-	128. Sri Dhuhkua S/o. Raghu	-do-
96. Smt. Sukrao D/o. Sukra	-do-	129. Smt. Gurbari D/o. Raghu	T.R.W.
97. Smt. Phulmani D/o. Chara	-do-	130. Sri Jhirga S/o. Chamra	Miner
98. Smt. Salmi D/o. Mesidas	-do-	131. Sri V. Balan S/o. G. Veleydhen	Bill Clerk
99. Smt. Salmi D/o. Gabriel	-do-	132. Sri Ajamilo Badi S/o. Jhagudu Badi	Helper
100. Smt. Jhario D/o. Etwa	-do-	133. Sardar Bhajan Singh	Driver cum- Mechanic
101. Sri Bishnath S/o. Habil	-do-	134. Sri Gadadhar Sethi S/o. Hari Sethi	Masan
102. Sri Soma S/o. Champa	-do-	135. Sri Bir Bahadoor	Watchman
103. Smt. Birshi D/o. Lakna	-do-	136. Sri R.C. Pillai	Office Asstt.
104. Smt. Jauri D/o. Birsha	-do-	137. Sri K. Nigyanath	Electrician
105. Smt. Phullo D/o. Jitu	-do-	138. Sri Sarat Ch. Dash S/o. Ganeswar Dash	L.D.C.
106. Sri Tihiku S/o. Dhani	-do-	139. Sri Alexis Kujur	Supervisor
107. Sri Sanika S/o. Dhani	-do-	140. Jakrias Jojo	Miner
108. Smt. Sukro D/o. Budhua	-do-	141. Sri Nando Lal	Comp. Operator
109. Smt. Merry D/o. Benedik	-do-	142. Matias Jojo	Accountant
110. Smt. Birshi D/o. Somra	-do	143. M. Thankachand	Elect. Helper
		144. Joseph Barla S/o. John Barla	
		145. Sri Kartik Goud S/o. Sridhar Goud	Helper
		146. Sri Sankar Barik	Khalasi
		147. Sri Bhubani Acharya S/o. Hari Acharya	Munshi
		148. Smt. Balema Munda D/o. Bijoy Munda	T. R. W.

149. Sri Lal Singh S/o. Bhokro	T. R. W.	183. Smt. Sulof 184. Smt. Budhuni W/o. Sukro	Miner -do-
150. Dhuka S/o. Basu	-do-	185. Smt. Sulo W/o. Ratiram	-do-
151. Sri Piques S/o. Ishak	-do	186. Smt. Gandei W/o. Guandia	-do-
152. Smt. Balo W/o. Magho	-do-	187. Smt. Ramdulari W/o. Govinda	-do-
153. Sri Makhana S/o. Mangu	Hand Holer	188. Sri Albish Kerketta	Pump-Operator
154. Sri Lukash S/o. Joseph	T. R. W.	189. Sri Srinus	Mine
155. Sri Daniel S/o. Soma	-do-		
156. Sri Hari S/o. Lodhra	-do-		
157. Sri Albish S/o. Birsha	Hand Holer		
158. Sri Sukhdev S/o. Kalandayal	T. R. W.		
159. Smt. Rahil D/o. Daniel	Hand Holer		
160. Sri Etwa S/o. Balo	T. R. W.		
161. Bana S/o. Lachhman	Hand Holer		
162. Sri Dasrath S/o. Karamdayal	T. R. W.		
163. Smt. Gaindi W/o. Karamdayal	-do-		
164. Sri Johan S/o. Barnadas	H. H.		
165. Sri Somra S/o. Budhan	T. R. W.		
166. Sri Anandmasi S/o. Nuas	C/P		
167. Smt. Sathang W/o. Anandmasi	P.R.W.		
168. Smt. Dayanidhi D/o. Lodha	-do-		
169. Sri Bandhana S/o. Mado	-d-		
170. Sri Bhorjo S/o. Puttuka	-do-		
171. Smt. Jhiram W/o. Jotto	-do-		
172. Sri Jagdev S/o. Davinath	-do-		
173. Pitrush S/o. Benadik	Hand Holer		
174. Smt. Sabina W/o. Silash	Miner		
175. Smt. Jarti W/o. Lachhman	-do-		
176. Smt. Birshi W/o. Soma	-do-		
177. Sri Tanku S/o. Lanka	W/L		
178. Sri Mahadev S/o. Shila	Miner		
179. Sri Raghunath S/o. Bidu	-do-		
180. Smt. Ful Singh D/o. Mohana	-do-		
181. Smt. Jira D/o. Rupnath	-do-		
182. Sri Mohan Sri Dundla	-do-		

[No. L-29011-(28)/78-D. III (B)]

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

No. Ref. 6/78/1014

Dhanbad, the 20th September, 1980

CORRIGENDUM

S.O. 2713.—In the Award dated the 6th September, 1980, passed by this Tribunal in Reference No. 6 of 1978, in line 1 of the Award for "17-8-1978" read "17-5-1978", Reference of the dispute was made to this Tribunal vide Ministry's Order No. L-43011/1/78-D.III.B, dated the 17th May, 1978.

B. K. RAY, Presiding Officer
[No. L-43011/1/78-D.III(B)]

आदेश

नई दिल्ली, 24 मिन्हम्बर, 1980

का० आ० 2714.—केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में बागलकोट उद्योग लिमिटेड, बागलकोट के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यह कि केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णय के लिए निर्देशित करना बाधनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खड (ध) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकारण गठित करती है जिसके पीठासीन अधिकारी श्री एच० शनमुखापा होंगे, जिनका मुख्यालय बगलौर में होगा और उक्त विवाद को उक्त औद्योगिक अधिकारण को न्यायनिर्णय के लिए निर्देशित करती है।

अनुसूची

“क्या प्रबन्धतन्त्र का, अपनी सूचना सख्ता जी० एम०/एम०/पी० डी०/10111, तारीख 21-4-1979 में यथोल्लित चुना पत्रक खदान के पारी कार्यधार्तों में परिवर्तन करने का प्रस्ताव न्यायोचित है? यदि नहीं, तो संबंधित कर्मकार किस अनुतोष के हकदार है? ”

[सख्ता ए.ल-29011/59/79-डी III(बी)]

ORDER

New Delhi, the 24th September, 1980

S.O. 2714.—Whereas the Central Government is of opinion that an industrial dispute exists between the Employers in relation to the management of Bagalkot Udyog Limited, Bagalkot and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri I. Shanmukhappa shall be the Presiding Officer, with headquarters at Bangalore and refers the said dispute for adjudication to the said Tribunal.

of maintainability raised by the management in its pleadings and also on merit simultaneously. The relevant portion of the order dated 29-3-78 is quoted below :

"Parties close the pleadings and further agree only to the following factual situation which will go as undisputed facts of the case.

The reference requires this Tribunal to decide whether the workmen of Rekha Copper Project are entitled to any type of bonus. In the alternative it requires this Tribunal to decide whether they are entitled to ex-gratia for the year 1976-77."

The order further says that in view of the pleadings in the written statements and rejoinder of the Sangh and of the union it is agreed that the workmen do not claim any type of statutory or customary bonus and their claim is only confined to ex-gratia bonus based on the analogy of similar payment made to the workers of some other unit of Hindustan Copper Limited.

As per the order it is not disputed that all the employees of Indian Copper unit of Hindustan Copper Limited have been paid ex-gratia bonus irrespective of the fact whether they are entitled to it by virtue of Sec. 9 of Act 58, 1972, that Hindustan Copper Limited has paid ex-gratia bonus to the Head Office employees, that those of the Head Office employees to whom Sec. 9 of Act 58, 1972 apply have been paid at the rate of 20 per cent while others have been paid at the rate of 8.33 per cent and that no bonus has been paid to the workers of any other unit of Hindustan Copper Limited. The parties as the order shows have also agreed that they will lead evidence on merit and the whole case shall be argued simultaneously including the preliminary joint about the validity of the reference. The Tribunal has mentioned in the said order that the question of validity should be decided first as a preliminary point and in case the decision is in favour of the validity of the reference then only the Tribunal will go into the merit answer the reference.

3. On behalf of the workmen one witness has been examined on 29-3-79 and they have closed their case. The management examined the witness the next day and hearing was adjourned for further evidence on behalf of the management. Thereafter on 17-5-79 the management examined its witness No. 2 at Calcutta but the cross-examination of the witness by the workmen was deferred. The cross-examination of the said witness was completed on 28-7-79 at Delhi and there at Delhi management's witness No. 3 was examined, cross-examined and discharged. Evidence thus was closed by the parties and the case was adjourned for argument.

4. The management in its pleadings has raised a preliminary point challenging the validity and maintainability of the reference on the grounds that a demand for payment of bonus/ex-gratia cannot form a subject matter of an industrial dispute.

It is a settled position of law that if a dispute referred for adjudication under Sec. 10 of the Industrial Disputes Act, 1947, is not an industrial dispute, the Tribunal has no jurisdiction to decide the same. It is open to the parties therefore to agitate the question before the Tribunal when it takes up the reference for adjudication. In that event the Tribunal is to examine the same and give its finding. If it holds that the matter referred although is a dispute but not an industrial dispute the Tribunal cannot adjudicate the same. If on the other hand it is held by the Tribunal that the dispute referred is an industrial dispute then only it can go into the merit of the case and give its award. It has been held in the decision reported in AIR 1953 SC. 53 (Madras State Vs. C. P. Sarathy) that it is open to the parties to impugn an award on the ground that what was referred was not an industrial dispute. The following paragraph from the said decision is extracted below :

"This is, however, not to say that the Government will be justified in making a reference under S. 10 (1) without satisfying itself on the facts and circumstances brought to its notice that an industrial dispute exists or is apprehended in relation to an establishment or a definite group of establishments engaged in a particular industry. It is also desirable that the Government should, wherever possible, indicate the nature of the dispute in the order of reference. But, it must be remembered that in making a reference under S. 10(1)

the Government is doing an administrative act and the fact that it has to form an opinion as to the factual existence of an industrial dispute as a preliminary step to the discharge of its function does not make it any the less administrative in character. The Court cannot, therefore, canvass the order of reference closely to see if there was any material before the Government to support its conclusion, as if it was a judicial or quasi-judicial determination. No doubt, it will be open to a party seeking to impugn the resulting award to show that what was referred by the Government was not an industrial dispute within the meaning of the Act and that, therefore, the Tribunal had no jurisdiction to make the award. But, if the dispute was an industrial dispute as defined in the Act, its factual existence and the expediency of making a reference in the circumstances of a particular case are matters entirely for the Government to decide upon, and it will not be competent for the Court to hold the reference bad and quash the proceedings for want of jurisdiction merely because there was, in its opinion, no material before the Government on which it could have come to an affirmative conclusion on these matters." This decision has been followed by the Supreme Court in other cases and the settled law at present, therefore, is when the dispute referred to the Tribunal for adjudication is not an industrial dispute the Tribunal cannot decide the same and give an award. In this view therefore it is necessary to decide the preliminary point raised by the management in its pleadings that the dispute referred to the Tribunal not being an industrial dispute the Tribunal has no jurisdiction to decide the same and pass an award. By order dated 2-3-79 my predecessor has also held that the preliminary point raised by the management regarding validity of the reference has to be decided first. So the preliminary point is taken for decision.

Industrial Dispute has been defined under Sec. 2(k) of the Industrial Disputes Act as follows :

"'industrial dispute' means any dispute or difference between employers and employers, or between employers and workmen, or between workmen and workmen which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person." It is clear from the above definition that a dispute in order to be an industrial dispute must be a dispute between employers and its workmen. The dispute must relate to a question of employment or non-employment or terms of employment or conditions of labour of any person. In the decision reported in AIR 1958 SC 353 (Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate) it has been held that although "any person" is not confined to the workmen only it does not mean any person in the wider sense. In other words the person regarding whom the dispute is raised must be one in whose employment, non-employment, terms of employment or conditions of labour the parties to the dispute have a direct or substantial interest. The person according to the decision must be such with whom the workmen have got community of interest. In the present case the demand of the workmen or the dispute has got nothing to do with the employment or non-employment of a person. The dispute does not relate to conditions of labour which means conditions in which a person is to labour that is to work. The word "employment" and "labour" have been used in the definition of an industrial dispute. So "conditions of labour" cannot be equated to "terms of employment". "Terms of employment" and "condition of labour" are two different expressions having different import. "Conditions of labour" mean conditions under which a person is asked to work. It has nothing to do with his terms of employment. A claim or demand for ex-gratia bonus can by no stretch of imagination be included within the term "conditions of labour". So the only other term used in the definition of an industrial dispute under which the present demand can come is "term of employment". The question, therefore, remains whether the claim for payment of bonus/ex-gratia will come under "terms of employment", expressed or implied. According to the management as pleaded in its written statement and argued a payment made ex-gratia means "payment out of grace". In other words it is a payment out of charity. Therefore the same cannot be claimed as a matter of right. This contention of the management appears to have sufficient force.

In considering what circumstances a bonus becomes admissible as an implied terms of employment has been laid down in several cases decided by the Supreme Court. In the case reported in AIR 1959 S.C. 1151=1959(II) L.J. 393 (Graham's Trading Company (India) Ltd. vs. their workmen), it

has been held that ex-gratia bonus even if paid for several years cannot be said to have become an implied term of employment. In the present case admittedly there is no express term of employment for payment of bonus ex-gratia. It has also been held in the said case that bonus which has been paid as customary or traditional even if it is paid ex-gratia may be claimed as a term of employment. At the same time their Lordships have also said in the decision that when the question of customary or traditional bonus arises for adjudication the Tribunal will have to consider whether the payment has been over an unbroken period of years and whether it has been for a sufficiently long period, though the length of the period according to the decision will depend upon the circumstances of each case. But the period may normally have to be a long one to justify an inference of traditional and customary nature before payment of bonus becomes one of the implied terms of employment. In such a case the circumstances that the payment depends upon earning of profits will have to be excluded and it has to be shown that payment has been made in years of loss. In dealing with the question of customary bonus the fact that the payment was called ex-gratia by the employer will make no difference. Proof of customs depends upon various other factors enumerated by their Lordships and it will not be materially affected by unilateral declarations of one party the employer when the said declarations are inconsistent with the course of conduct. Lastly the payment according to the decision must have been made at a uniform rate throughout to justify an inference that the payment at such rate has become customary and traditional in the particular establishment. Applying the tests laid down by the above decision it is amply clear that none of the conditions laid down in the decision have been fulfilled in the present case. The workmen have categorically said that they do not claim the bonus as statutory bonus or customary bonus. Reference in this connection may also be made to the order of this Tribunal dated 29th March, 1979. Consequently it is clear that a claim for payment of bonus to be paid ex-gratia which has not become one of the implied terms of employment cannot be the subject matter of an industrial dispute. Section 10 of the Industrial Disputes Act empowers the appropriate Government to make a reference of a dispute for adjudication if they are satisfied regarding the existing or even the apprehension of an industrial dispute as defined in the Act and not any or every dispute. It is however contended by the workmen that ex-gratia bonus is paid because the same is justifiably payable. This arises out of conditions of labour or implied term of contract. It is very difficult to swallow this argument. Condition of labour is something different from terms of employment. Payment of traditional or customary bonus may be an implied term of employment as held in the decision reported in 1959 SC. 1151 supra. But the same cannot by any stretch of imagination be a condition to labour or work. It is further urged by the workmen that ex-gratia bonus is not charity and such payment arises in view of workmen's partnership in the process of production. Such a contention is as vague as anything. It is only Profit Sharing bonus which can be claimed to have arisen on account of workmen's partnership in the process of production. An ex-gratia bonus is entirely different from profit sharing bonus. It is then contended that when ex-gratia bonus has been paid to workmen in one of the units of Hindustan Copper Ltd., the claim for such payment to the workers of Rakha Copper Project becomes an industrial dispute. But as will be seen from the subsequent paragraphs bonus which has been paid to the workmen of Indian Copper Complex or the workmen of the Head Office is not an ex-gratia payment. The same has been paid under provisions of law and under circular issued by the Central Government. Similarly it is argued for the workmen that ex-gratia payment has been a matter of usage or custom and so the claim for such payment has become a term of employment and hence a dispute under such claim is an industrial dispute. But admittedly ex-gratia bonus was never before paid to the workmen of Rakha Copper Project. This is first time such a claim is made. So none of the conditions of the workmen prevails. I, therefore, hold that the reference is bad in law and not maintainable. The Tribunal has, therefore, no jurisdiction to pass an award in the reference.

5. Assuming but not admitting that the reference is maintainable it is to be seen whether a case on merit also has been made out by the workmen. In this connection it is necessary to mention certain facts given in the written statement and rejoinders of the Sangh. They are that Hindustan Copper Ltd. has got several different units, namely, Kheteri Copper Complex having its own works, Indian Copper Complex having four

mines known as Mosaboni Group of mines and Rakha Copper Project having no works department of its own and being only a mining project. According to the case of Sangh Rakha Copper Project extracts ores and after concentration supplies the same either to Indian Copper Complex or to Kheteri Copper Complex. These facts admitted by the Sangh go to show that Rakha Copper Project is on the same footing as any other unit of Hindustan Copper Limited. After admitting these facts the Sangh subsequently wanted to wriggle out of the position by saying that Rakha Copper Project is under the administrative control of the General Manager of Indian Copper Complex. The Sangh examined its Secretary as a witness. The Secretary says that in the matter arising from Rakha Copper Project the ultimate decision is taken by General Manager of Indian Copper Complex. It is also further admitted by the witness that there is an Agent in Rakha Copper Project as well as a Mine Manager. The Secretary says that the workmen raised the bonus dispute with the Agent first and that when the Labour Commissioner entered into conciliation the General Manager participated in the proceeding. According to the Secretary all matters of Rakha Copper Project are channelled to the Chairman of Hindustan Copper Limited through the General Manager of Indian Copper Complex. From this it is argued that Rakha Copper Complex is a part and parcel of Indian Copper Complex and is under the administrative control of the General Manager of Indian Copper Complex. The Management's witness No. 1—Manager of Rakha Copper Project speaks of five different units under Hindustan Copper Limited. One of them is Rakha Copper Project. The witness further asserts that in financial matters Agent-in-Charge of Rakha Copper Project is the final authority and for all mines working under Indian Copper Complex there are separate Standing Orders. According to the witness whenever there is any dispute negotiation is generally conducted by the Agent-in-Charge. But if the dispute cannot be solved at agent's level the General Manager participates. The General Manager, according to MW-1, participates not as the authority of Indian Copper Complex but as a representative of Hindustan Copper Limited. In cross-examination MW-1 says that papers indicating direct dealing between Rakha Copper Project and Hindustan Copper Limited are available at the Project Office. No attempt, however, has been made to call for such documents. Management's witness No. 2 states in his examination-in-chief that Rakha Copper Project has its own separate profit and loss accounts and separate balance-sheet (See Exts. M4 to M7). They are prepared every year and audited by Auditor. MW-2 also asserts that in financial matters Rakha Copper Project has no connection with Indian Copper Complex. There is a separate account of Rakha Copper Project opened with State Bank of India. This account is operated by the Agent of Rakha Copper Project. According to the witness Rakha Copper Project gets funds from the Head Office and arranges their disbursements through its own Agent, Indian Copper Complex, according to evidence of MW-2, is not an intermediary in the matter. The accounts with the State Bank of India is also operated by Accounts Officer of Rakha Copper Project who is authorised on that behalf. This delegation to operate the accounts as per the evidence of MW-2 comes direct from the Chairman of Hindustan Copper Limited. These two witnesses, namely, MW-1 and MW-2 have stated that General Manager posted at Mouhbandar is not General Manager of Indian Copper Complex but is the General Manager of Hindustan Copper Limited having charge of both the units, namely, Indian Copper Complex and Rakha Copper Project, that another General Manager is posted for Kheteri Copper Complex and Dariba Copper Project that in financial matter Rakha Copper Project has no connection with Indian Copper Complex, that in Rakha there is a separate purchase department through which purchases are made independently and not through Indian Copper Complex and that recruitment is done directly by the Personal Branch of Rakha Copper Project with which Indian Copper Complex is not connected at all. These statements have not been challenged in cross-examination and no evidence has been led by the workmen to rebut the same. Nothing has been elicited from MW-1 and MW-2 to discredit their evidence. This being the evidence on the point as to whether Rakha Copper Project is under the administration control of Indian Copper Complex, I am of the view that the evidence led on behalf of the management stands on a better footing than the evidence led by the Sangh. The conclusion, therefore, is that Rakha Copper Project is a separate unit by itself just like any other unit under Hindustan Copper

Limited and is not under the administrative control of Indian Copper Complex as claimed on behalf of the workmen.

The management in its pleading submits that Hindustan Copper Limited is an establishment in the public sector and it sells certain products in competition with other private sectors. The product so sold is less than 20 per cent of total sale proceed. So in view of Section 20 of Payment of Bonus Act, the said Act has no application to Hindustan Copper Limited. Reference may be made in this connection to Ext. M-40 and para 11 of management's rejoinder dated 21st November, 1978 to the written statement of the Sangh. This point of course has no relevancy and so need not be dealt with in any detail because the workmen do not claim any bonus on the authority of any statute. In view of the fact that the workmen's representative accepts the position that the claim of bonus is not based on any statutory provision the point raised by the workmen is of no avail to them.

I shall now examine the position as to under what circumstances Hindustan Copper Ltd. has paid bonus to workmen of Indian Copper Complex and of Dariba Copper Project as also to some workmen of the Head Office and if on account of such payment the workmen of Rakha Copper Project will be entitled to bonus. The management in this connection has to be informed when an exhortation is to why ex-gratia bonus has been paid to some other units of Hindustan Copper Limited, namely, Dariba Copper Project, Indian Copper Complex and the Head Office employees. Indian Copper Complex took over the assets and liabilities of Indian Copper Corporation Ltd. under provisions of Indian Copper Corporation (Acquisition of Undertaking) Act No. 58 of 1972. At the time of take over the employees of Indian Copper Corporation Ltd. were getting bonus as per the provision of Payment of Bonus Act. After nationalisation, therefore, those employees were entitled to payment of bonus by virtue of Sec. 9 of Act No. 58 of 1972. This factual aspect of the management's case is not seriously disputed. It is then pointed out that the Ministry of Finance issued a circular dated 12th September, 1977 Ext. M-14 directing that although an undertaking is not liable to pay any bonus under Payment of Bonus Act still it should pay bonus to its employees on the footing that Payment of Bonus Act is applicable. The bonus, according to the circular, is to be calculated according to the provision of Payment of Bonus Act but the payment of bonus will be on ex-gratia basis and not to be treated as a precedent. From the Balance Sheet and Profit and Loss Account for Dariba Project for the year 1976-77 it is found on calculation according to the provisions of Payment of Bonus Act that it has sufficient allocable surplus to pay bonus of 20 per cent of the wages earned by the workmen. Therefore, according to the above circular, the same was paid. Reference may be made in this connection to Ext. M-16. The workmen of Indian Copper Complex were also paid 20 per cent bonus on calculation of allocable surplus on the basis of balance sheet and profit and loss account for the year 1976-77. See Ext. M-16. Some of the Head Office workmen were taken over employees of Indian Copper Corporation Ltd. so they were paid bonus as ex-employees of Indian Copper Corporation Ltd. under Act 58 of 1972. Rakha Copper Project could not be paid bonus for the year 1976-77 because under Sec 16 of the Payment of Bonus Act no surplus was available for payment of the same. Reference may be made in this connection to Ext. M-8. The case thus made out by the management appears to have been well established. The provision of Act 58, 1972, the circular dated 12th September, 1977 Ext. M-14 of Ministry of Finance together with Profit and Loss Accounts and Balance Sheet of different units of Hindustan Copper Limited unmistakably go to show that the management paid bonus ex-gratia according to well defined principle and there has been no discrimination whatsoever. A futile attempt has been made on behalf of the workmen to discredit the profit and loss account of the balance sheet relied upon by the management. When these documents were produced by the management through concerned witnesses there was practically no cross-examination to dis-credit the witnesses or the documents produced by them. It is, however, argued by the workmen that the documents have not been formally proved and so they must be excluded from consideration. Reference may be made to the evidence of MW-2 and MW-3. These witnesses produced the balance sheets. Time was taken by the workmen to cross-examine the witnesses. Ultimately cross-examination was declined and the documents were admitted into evidence without objection. The workmen in support of their point regarding admissibility of documents rely

upon I.ib. I.C. 1972 p. 188 (M/s Burreilly Electricity Supply Co. Ltd. vs. The Workmen), 1 S.C.L.J. 407, (M/s Aluminium Corporation of India Ltd. vs. Their Workmen), 672 (Rajendra Mills Ltd. vs. Their Workmen) and 348 (Khandesh Spinning & Weaving Mills Co. Ltd. vs. Rashtriya Girni Kamgar Sangh). These cases relate to rehabilitation cost and so do not apply to a case of the present nature. That being the position it is not possible to throw out the management's documents. The case, therefore, of the management as to why bonus was paid to workmen of Indian Copper Complex, of Dariba Copper Project and to workmen of Head Office and not to the workmen of Rakha Copper Project is accepted.

5. The union after filing written statement and cross-examining the management's witness No. 1 and No. 2 has not taken any part in the proceeding. In the written statement filed by the union it has been stated that Rakha Copper Project earned profit for the year 1976-77 and so its workmen should be paid bonus. Subsequently the union has given up this plea and has categorically stated that it does not base its claim for bonus on profit sharing bonus under Payment of Bonus Act.

6. A point has been made out by the Sangh and the union that bonus is to be calculated on the basis of profit and loss account as per consolidated Annual Report of Hindustan Copper Limited. This case is challenged by the management by saying that Rakha Copper Project maintains separate Balance Sheet and Profit and Loss Account. It is an admitted position that no bonus has been paid at any time to the employees of Rakha Copper Project prior to the present claim. So under Section 3 of the Payment of Bonus Act, bonus has to be calculated on the basis of profit and loss account of the Rakha Copper Project and not on the consolidated profit and loss accounts of the Hindustan Copper Limited. Even assuming that Rakha Copper Project is under the administrative control of the Indian Copper Complex, under Section 3 of the Payment of Bonus Act, the workmen of Rakha Copper Project are not entitled to any bonus on the ground that bonus has been paid to the workmen of Indian Copper Complex. It has been already mentioned above under what circumstances the workmen of Indian Copper Complex has been paid bonus and why bonus has not been paid to workmen of Rakha Copper Project. Section 3 of the Bonus Act reads thus:

"Where an establishment consists of different departments or undertakings or has branches, whether situated in the same place or in different places, all such departments or undertakings or branches shall be treated as parts of the same establishment for the purpose of computation of bonus under this Act.

Provided that where for any accounting year a separate balance-sheet and profit and loss account are prepared and maintained in respect of any such department or undertaking or branch, then, such department or undertaking or branch shall be treated as a separate establishment for the purpose of computation of bonus under this Act for that year, unless such department or undertaking or branch was, immediately before the commencement of that accounting year treated as part of the establishment for the purpose of computation of bonus."

The proviso to the section quoted above clearly says that even if an establishment consists of different departments or undertakings or branches they should not be treated as belonging to the same establishment for the purpose of calculation of bonus if such department or undertaking or branches have its separate balance-sheet and profit and loss accounts for the year for which the bonus is to be calculated. This of course has an exception which says that if departments or undertakings or branches of the establishment was treated as part of the establishment immediately before the commencement of the accounting year for which bonus is claimed, such departments or undertakings or branches should not have advantage of the proviso. This being the position in law in view of the documentary and oral evidence produced on behalf of the management it must be said that Rakha Copper Project comes within the purview of proviso to Section 3 of the Payment of Bonus Act even conceding but not admitting that Rakha Copper Project is under the administrative control of Indian Copper Complex. In that view the claim of the workmen of Rakha Copper Project for bonus for the year 1976-77 is not admissible in law.

7. It is argued on behalf of the Sangh that even though claim for ex-gratia bonus is not an industrial dispute it may be so under Section 22 of the Bonus Act. It is urged by the

management that Section 22 used the word "employee" and not "workmen". All employees are not workmen though all workmen are employees. So the deeming provision in Section 22. But the workmen in the present case not having claimed bonus under Payment of Bonus Act but having claimed bonus ex-gratia, they can not take advantage of Section 22. This contention of the management is well founded and the workmen having clearly taken the position that they do not claim bonus under any statute they cannot now take resort to Section 22 of the Payment of Bonus Act and build a new case.

8. Lastly it is argued on behalf of the workmen by referring to the balance sheet and profit and loss accounts of Rakha Copper Project that there has been suppression of profit to the tune of Rs. 85,00,000/- . So on the basis of those documents the just claim for bonus of the workmen cannot be denied. As has been stated earlier when these documents were produced through management's witnesses acquainted with the documents, no cross-examination was made giving them opportunity to explain the alleged suppression. The workmen did not avail the opportunity and so at the last stage they cannot be permitted to challenge the correctness of the documents and their contents. Mr. Raren Ray learned counsel for the management, however submits that the figures on the basis of which the workmen claim that there has been a suppression of profits do not exclude excise duty paid. If excise duty is excluded the average of turnover of competitive items of total revenue excluding excise duty is 15.88%. In support of this he has filed a chart which reads thus:

Details of Break up of sales during 1976-77

Product	As per Sch. P-M3	As per M-40	Difference Excise duty
(A) Competitive Items:			
1. T.S.P.	4,21,141	4,68,571	47,430
2. S.S.P.	67,81,207	71,78,905	3,97,699
3. Copper Rolled.	30,94,601	36,75,836	6,71,235
4. Brass Rolled	5,78,29,303	6,80,71,576	1,02,42,273
5. Nickel Sulphate	25,25,509	25,50,757	25,248
6. Sulphuric Acid	1,21,08,942	1,33,56,997	12,48,055
7. Cupro Nickel	25,09,606	33,19,141	8,09,535
8. Kyanite	1,08,71,381	1,08,71,381	..
9. Urea	1,34,31,855	1,34,31,855	..
10. Lead	1,12,627	1,12,657	..
11. Copper Sulphate	26,000	26,260	260
12. Gypsum	5,940	6,000	60
	<u>10,96,28,112</u>	<u>12,30,69,907</u>	<u>1,34,41,795</u>
(B) Non-competitive items .			
1. Wire Bar	44,33,84,578	54,17,50,816	9,83,66,238
2. Copper Cake	2,88,057	3,57,889	69,832
3. Copper Ingots	1,40,96,788	1,78,81,799	37,85,011
4. Silver	7,92,793	7,92,793	..
5. Selenium	13,76,158	13,90,257	14,099
6. Copper Cathodes	9,97,43,101	12,06,05,893	2,08,62,792
7. Anode Slime	16,20,984	16,20,984	..
8. Copper Turnings	25,79,082	33,30,031	7,50,949
9. Others	94,96,745	1,20,34,468	25,35,723
	<u>57,33,80,286</u>	<u>69,97,64,930</u>	<u>13,98,26,439</u>
Competitive	<u>-10,96,28,112</u>		% age of turnover of competitive items of
Non-Competitive	<u>57,33,80,286</u>		
	68,30,08,398		total revenue excluding
OTHER INCOME			Excise duty—15.88%.
P.43 of M-3.	71,03,023		
Total	<u>69,03,11,421</u>		

The explanation given by Mr. Ray appears to have some truth in it. So on the basis of the explanation given by the management it is not possible to accept the case of the workmen that there has been suppression of profits.

9. For the reasons given above I hold that the reference is bad in law and not maintainable. Even conceding that the reference is maintainable on merit I hold that the concerned workmen are not entitled to any bonus/ex-gratia as claimed by them. The reference is thus answered. In the peculiar circumstances there shall be no order for costs.

B. K. RAY, Presiding Officer
{No. L-43011/1/78-D.III(B)}
A. K. RAY, Under Secy.

नई दिल्ली, 22 मिनार्क, 1980

प्रा० अा० 2217 — रेण्डीय मरकार, कांगड़ारी भविष्य तिथि और प्रकार्ण उपवन्ध अधिनियम, 1952 (1952 का 19) की धारा 5-के की उपाधिए (1) के ब्रह्म (अ) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, मन्त्रिव, गुजरात मरकार, नियम और अम विमान, मन्त्रिवालय, गार्डनगढ़ को गतिव, गुजरात मरकार, अम मार्ग कल्याण और जनजनि विकास विमान, मन्त्रिवालय, गार्डनगढ़ के न्याय पर रेण्डीय न्यासी बोर्ड के सदस्य के रूप में नियुक्त करनी है। प्रांत भारत मरकार के अम मन्त्रालय अपि अधिसूचना गो० का० अा० 236 तारीख 16 दिसम्बर, 1975 में निम्नलिखित और मार्गोदान करती है।

अग्रिम - १

उक्त प्रतिमूलना ने कम से ८ के सामने स्तरम् २ में का प्रविष्ट के द्वारा पर नियन्त्रित प्रविष्ट रखी आदेश प्रस्तुत ।

“सचिव शशीकला भवानी

शिक्षा श्रीर अम दिसाग
संस्कृत अधिनियम”

[માના-સી-૨૦૦૧૨(૧)/૭૫-ગીર પટેલ]

New Delhi the 22nd September 1980

S.O. 2717.—In exercise of the powers conferred by clause (c) of sub-section (1) of section 5-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints the Secretary to the Government of Gujarat, Education and Labour Department, Sachivalaya, Gandhinagar, as a member of the Central Board of Trustees, vice the Secretary to the Government of Gujarat, Labour, Social Welfare and Tribal Development Department, Sachivalaya, Gandhinagar and makes the following further amendment in the notification of the Government of India, in the Ministry of Labour No. S.O. 236, dated the 16th December, 1975, namely:—

In the said notification against serial number 8, for the entry in column 2, the following entry shall be substituted, namely :—

"The Secretary to the Government of Gujarat, Education and Labour Department, Sachivalaya, Gandhinagar."

[No. V-20012/1/75-PH.II]

का० ग्रा० 2718.—केन्द्रीय मरकार को यह प्रतीत होता है कि मैमर्स प्रलिप्तावेद्य पट्टरेना, 34/1 बी, कोल्टोला स्ट्रीट, कलकत्ता-73, नामक स्थापन से सम्बद्ध नियोक्त्रक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भवित्व निधि और प्रकोर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को नागू किए जाने चाहिए;

प्रत, श्रव., उक्त प्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त प्रधिनियम के उपर्युक्त उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 जून, 1978 को प्रवृत्त हुई समझी जाएगी।

[ਸੰ. ਏਸ-35017(6)/80-ਪੀ. ਏਫ. 2]

S.O. 2718.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Elizabeth Adrena, 34/1 B, Colootola Street, Calcutta-73, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of June, 1978.

[No. S-35017/6/80-PF.II]

का० आ० 2719.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इंजीनियरिंग इंट्रेप्रेन्युअल्स, 24, नेताजी सुभाष रोड, कलकत्ता-1, जिसके प्रत्यारूप 100, देशबंधु रोड पश्चिम, कलकत्ता-35, स्थित उसकी फार्माचू भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35017(7)/80-पी० एफ० 2]

S.O. 2719.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Engineering Entrepreneurs, 24, Netaji Subhas Road, Calcutta-1 including its branch at 100, Deshbandhu Road, West, Calcutta-35, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1978.

[No. S-35017/7/80-PF.II]

का० आ० 2720.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बीमपेक्स मशीन्स इण्टरनेशनल, 6, ऑक लेन, फोर्ट, भुवन-23, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अगस्त, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35018(10)/80-पी० एफ० 2]

S.O. 2720.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Bimpex Machines International, 6, Oak Lane, Port, Bombay-23, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of August, 1978.

[No. S-35018/10/80-PF.II]

का० आ० 2721.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स के ट्रेडिंग सिर्किट, 31, ब्राबोर्ने रोड, कलकत्ता-1, जिसके प्रत्यारूप 26, रामेश्वर शा रोड, कलकत्ता-14, स्थित उसका कारखाना भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35017(11)/80-पी० एफ० 2]

S.O. 2721.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Kay Trading Syndicate, 31, Brabourne Road, Calcutta-1, including its factory at 26, Rameshwar Shaw Road, Calcutta-14, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1979.

[No. S-35017(11)/80-PF.II]

का० आ० 2722.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स भारत जेनरल एजेंसीज, 302, जॉली भवन नं. 2, 7 न्यू मेरिन लाइन्स, मुम्बई-20, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं. एस-35018(12)/80-पी० एफ० 2]

S.O. 2722.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Bharat General Agencies, 302 Jolly Bhavan No. 2, 7 New Marine Lines, Bombay-20, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1979.

[No. S-35018/12/80-PF.II]

का० आ० 2723.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सजीठा प्लैटेन्स, शोलायारनगर-642125, वया, पोल्लाची, कोवैस्टूर जिला, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019/12/80-पी० एफ० 2(i)]

S.O. 2723.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sajeetha Plantations, Sholayarnagan-642125, Via, Pollachi, Coimbatore District, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1979.

[No. S-35019/12/80-PF. II(i)]

का० आ० 2724.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स त्रिवेंद्रम शायुर्वेद औषध निर्माण व्यवसाय कोप्रापरेटिव सोसाइटी लिमिटेड नं० आई० एन० बी० (टी) 254, वज्रधाराकांड, त्रिवेंद्रम-14, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1980 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019/13/80-पी० एफ० 2]

S.O. 2724.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Trivendum Ayurveda Oushadha Nirmana Vyavasay Co-operative Society Limited No. IND. (T) 254, Vazkuthucaud, Trivendum-14, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1980.

[No. S-35019/13/80-PF. III]

का० आ० 2725.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पी० एन० बी० एम० हार्टिटल एण्ड रिसर्च सेंटर, अमर्जी रोड, एनकुलम, कोचीन 18, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 29 फरवरी, 1980 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019/14/80-पी० एफ० 2]

S.O. 2725.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs P.N.V.M. Hospital and Research Centre, Banerji Road, Ernakulam, Cochin-18, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the Twenty-ninth day of February, 1980.

[No. S-35019/14/80-PF. II]

का० आ० 2726.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बी० एन० ए० एस्सपोर्ट्स (प्राइवेट) लिमिटेड, 5 बजाज भवन, नारीमन प्लाईट, मुम्बई 21, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019/14/80-पी० एफ० 2 (i)]

S.O. 2726.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs BHA Exports (Private) Limited, 51, Bajaj Bhavan, Nariman Point, Bombay-21, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1979.

[No. S-35019/14/80-PF. II(i)]

का० आ० 2727.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जनता गेस्ट हाउस, जनता निवास, दफतरी रोड, मलाव (पुर्व) मुम्बई 64, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जून, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35018/15/80-पी० एफ० 2]

S.O. 2727.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs

Janata Guest House, Janata Nivas, Daftary Road, Malad (East), Bombay-64, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of June, 1976.

[No. S-35018/15/80-PF. II]

का० आ० 2728.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एम० मंतोया नाइर सन (फर्म) न० 88, नैनीयाप्पा नैकेन, मैट्रीट, मद्रास 3, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 विसम्बर, 1978 को प्रवृत्त हुई समझी जाएगी।

[स० एम०-3501/15/80 पी० एफ० 2(i)]

S.O. 2728.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs S. Santhosa Nadar Son (Firm), No. 88, Nainiappa Naicken Street, Madras-3, have agreed that the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of December, 1978.

[No. S-35019/15/80-PF. II(i)]

का० आ० 2729.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स वैरावन कर्मणियक हॉटरप्राइज, 99-100, प्रभान मन्दिरी, मदुरै 1, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मई, 1978 को प्रवृत्त हुई समझी जाएगी।

[स० एम०-35019/16/80 पी० एफ० 2]

S.O. 2729.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Vairavan Commercial Enterprises, 99-100, Amman Sannadhi, Madurai-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central

Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of May, 1978.

[No. S-35019/16/80-PF. II]

का० आ० 2730.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स लक्ष्मी डिस्ट्रीब्यूटर्स, 302, जली भवन न० 2, न्यू मैरीन लाइन्स, मद्रास 20, जिसके अन्तर्गत (1) 125, मिट स्ट्रीट, मद्रास 1 और (2) 3-4-239, महानकाली स्ट्रीट, सिक्किंगरायाद 3 (आन्ध्रप्रदेश), स्थित उमसी शाकाएँ भी हैं, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन के लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1979 को प्रवृत्त हुई समझी जाएगी।

[स० एम० 35018/17/80 पी० एफ० 2]

S.O. 2730.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Lucky Distributors, 302, Jelly Bhavan No. 2, New Marine Lines, Bombay-20 including its branches at (1) 125, Mint Street Madras-1 and (2) 3-4-239, Mahankali Street, Secunderabad-3 (Andhra Pradesh), have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1979.

[No. S-35018/17/80-PF. II]

का० आ० 2731.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स राजा मेटल्स कारपोरेशन, स० 239, मिट रस्ट्रीट, मद्रास 3, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन का लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 12 शिवम्बर, 1978 को प्रवृत्त हुई समझी जाएगी।

[स० एम०-35019/17/80 पी० एफ० 2(i)]

S.O. 2731.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Raja Metals Corporation, No. 239, Mint Street, Madras-3, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of December, 1978.

[No. S-35019/17/80-PF. II(i)]

का० आ० 2732.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स दामोदर आटो पार्ट्स, दामोदर बिल्डिंग, पोस्ट बाक्स न० 15, पानजी, गोवा, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

ग्रन्ति: अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मई, 1977 को प्रवृत्त हुई समझी जाएगी।

[सं० एम०-35018/18/80-पी० एफ० II]

S.O. 2732.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Damodar Auto Parts, Damodar Building, Post Box No. 15, Panaji, Goa, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of May, 1977

[No S-35018/18/80-PF. II]

का० आ० 2733.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स डेक्कन बॉटल स्टोर्स, महाराणी जाहां रोड, बैवराबाद-12, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

ग्रन्ति: अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1979 को प्रकल्प हुई समझी जाएगी।

[सं० एम०-35019/18/80-पी० एफ० II (i)]

S.O. 2733.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Deccan Bottle Stores, Maharani Jhansi Road, Hyderabad-12, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1979.

[No. S-35019/18/80-PF. II(i)]

का० आ० 2734.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्रीनाथ कार्पोरेशन, बाजार रोड, कोचीन-2, कोचीन तालुक, एनाकुलम, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

750 GI/80—8

अब, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 मार्च, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एम०-35018/19/80-पी० एफ० 2]

S.O. 2734.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ambika Salt Works, Ravijibhai and Sons Salt Merchant, Vasai Road, District Thana (Western Railway), have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of March, 1978.

[No S-35018/19/80 PF. II]

का० आ० 2735.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कामा कार्पोरेशन, 111, रिगल इंडस्ट्रियल, सेवे मेवरी (पश्चिम) मुम्बई-15, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

ग्रन्ति: अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 सितम्बर, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एम०-35018/20/80-पी० एफ० II]

S.O. 2735.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Cama Corporation, 111, Regal Industrial Estate, Sewree (West), Bombay-15, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of September, 1978.

[No 35018/20/80-PF. II]

का० आ० 2736 केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्रीनाथ कार्पोरेशन, बाजार रोड, कोचीन-2, कोचीन तालुक, एनाकुलम, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

ग्रन्ति: आ, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मार्च, 1980 को प्रवृत्त हुई समझी जाएगी।

[सं० एम०-35019/20/80-पी० एफ० II(i)]

S.O. 2736—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Srinath Corporation, Bazar Road, Cochin 2, Cochin Taluk, Einakulam, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of March, 1980.

[No. S-35019/20/80-PF. II(i)]

का० आ० 2737—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स आयवट एंड कॉम्पनी, 447/2, पोटे इंस्टेट, मार्केट यार्ड, पनवेल-410206, जिला नुलाबा, जिसके प्रबन्धन के पाये आफ केमोपोल, उद्योग संचिर, नं० 318 पिनाम्बर लैन, मासीम, मुम्बई-16, स्थित उसकी शास्त्रा भी है, नाम स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या हम बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अब, अब, उक्त अधिनियम की धारा 1 की उपधारा (1) द्वारा प्रबन्ध नियोजकों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करनी है।

यह अधिसूचना 31 अगस्त, 1977 को प्रवृत्त हुई समझी जाएगी।

[सं० ए०-35018/22/80-पी० पृ० १५० II]

S.O. 2737—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Aiyavatt Chemicals, 447/2, Pote Estate, Market Yard, Panvel-410206 District Kulaba including its branch at Care Off Chemopol, Udyog Mandir, No. 318 Pitamber Lane, Mahim, Bombay-16, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of August, 1977.

[No. S-35018/22/80-PF. II]

का० आ० 2738—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स टेक्नीकल प्रोडक्ट्स, अमर नाम कम्पाउंड, 159 (प्री) ए० ३० जी० बार्ड मार्ग, कालिना, मुम्बई-29, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या हम बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अब, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त नियोजकों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जूनाई, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० ए०-35018/23/80-पी० पृ० १५० II]

S.O. 2738—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Technical Products, Amar Brass Compound, 159 (प्री) S. G. Baive Marga, Kalina, Bombay-29, have agreed that the pro-

visions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1978.

[No. S-35018/23/80-PF. II]

का० आ० 2739—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स प्रिसीशन मणीन ए० ४४ ए० २०, पूनामली हाईटोड, नामथाम्बाकम मध्रास-८९, नाम स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या हम बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अब, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त नियोजकों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जूनाई, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० ए०-35019/23/80-पी० पृ० १५० II(i)]

S.O. 2739—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Precision Machine and Auto Components, 20-A, Poonaallee High Road, Nanthambakkam, Madras-89, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1979.

[No. S-35019/23/80-PF. II(i)]

का० आ० 2740—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एसोसिएटेड डिजाइन प्लानिंग ए० १६, पार्क स्ट्रीट, कलकत्ता-16, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या हम बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए,

अब, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त नियोजकों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अगस्त, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० ए०-35017/24/79-पी० पृ० १५० II]

S.O. 2740—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Associated Design Planning Group (Private) Limited, 67, Park Street, Calcutta-16, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty-first day of August, 1978.

[No. S-35017/24/79-PF. II]

का०आ० 2741.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैमर्स विकासी मट्टनिटी प्लॉट नं० 45, निंग होम, अन्दनमर रोड, विराग (पुर्व), (परिषदीय रेलवे) नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपचार अधिनियम 1952 (1952 का 19) के उपचार उक्त स्थापन को लागू किए जाने चाहिए,

अतः, श्रव, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपचार उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मई, 1979 को प्रवृत्त हुई समझी जाएगी।

[म०एस०-35018/24/80-पी०एफ० 2(i)]

S.O. 2741.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Jiwandi Maternity and Nursing Home, Chandanar Road, Virar (East), (Western Railway), have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of May, 1979.

[No. S. 35018/24/80-PF. II(i)]

का०आ० 2742.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैमर्स स्टैचर्ड चीमिंग कम्पनी, डाक घर बेपोर उच्चर, कालीकट-673015 (केरल) नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपचार अधिनियम 1952 (1952 का 19) के उपचार उक्त स्थापन को लागू किए जाने चाहिए;

अतः, श्रव, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपचार उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 फरवरी, 1980 को प्रवृत्त हुई समझी जाएगी।

[म०एस०-35019/26/80-पी०एफ० 2]

S.O. 2742.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Standard Weaving Company, Post Office Beypore North, Calicut-673015 (Kerala), have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of February, 1980.

[No. S-35019/26/80-PF. II]

का०आ० 2743.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैमर्स नं० ४९, अंजीनियरिंग स्टॉट नं० ४९, अयामबाग, बेस्टगांव, कनटक, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपचार अधिनियम 1952 (1952 का 19) के उपचार उक्त स्थापन को लागू किए जाने चाहिए;

अतः, श्रव, उक्त अधिनियम की धारा 1 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, उक्त अधिनियम के उपचार उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 नवम्बर, 1979 का प्रवृत्त हुई समझी जाएगी।

[स०एस०-35019/29/80-पी०एफ० 2]

S.O. 2743.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Venkatesh Engineering, Plot No. 45, Vayambag, Belgaum, Karnataka, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of November, 1979.

[No. S. 35019/29/80-PT. II]

का०आ० 2744.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैमर्स मेटल केम इण्डस्ट्रीज, बी-11, इण्डस्ट्रियल इन्स्टेट, सनाथनगढ़, हैदराबाद, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपचार अधिनियम, 1952 (1952 का 19) के उपचार उक्त स्थापन को लागू किए जाने चाहिए;

अतः, श्रव, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, उक्त अधिनियम के उपचार उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1979 का प्रवृत्त हुई समझी जाएगी।

[स०एस०-35019/32/80-पी०एफ० 2]

S.O. 2744.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Metal Chem Industries, B-11, Industrial Estate, Sanathnagar, Hyderabad, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1979.

[No. S. 35019/32/80-PF. II]

का०आ० 2745.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैमर्स एस्प्रेस एस्टास्टिक्स, 14 पिरामल इण्डस्ट्रियल इन्स्टेट, एम०वी० रोड, गोरेगांव (पश्चिम), मुम्बई-62, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपचार अधिनियम, 1952 (1952 का 19) के उपचार उक्त स्थापन को लागू किए जाने चाहिए;

अतः, श्रव, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, उक्त अधिनियम के उपचार उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अगस्त, 1979 का प्रवृत्त हुई समझी जाएगी।

[स०एस०-35018/36/80-पी०एफ० 2]

S.O. 2745.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Empire Plastics, 14-Piramai Industrial Estate, S. V. Road, Goregaon (West), Bombay-62, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of August, 1979.

[No. S. 35018/36/80-PF. II]

कांग्रा० 2746.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स विबेस ज्योति पावर इलेक्ट्रोनिक्स लिमिटेड, 225-E, आचार्य जगदीश चन्द्र बोस रोड, कलकत्ता-20, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकोर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 सितम्बर, 1977 को प्रवृत्त हुई समझी जाएगी।

[सं० एस-35017/69/79-पी.एफ. 2]

S.O. 2746.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Webel Jyoti Power Electronics Limited, 225-E, Acharya Jagadish Chandra Bose Road, Calcutta-26, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of September, 1977.

[No. S-35017 69/79-PF. II]

कांग्रा० 2747.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इण्डस्ट्रियल एंटरप्रार्टिक्स लिमिटेड, गान्धीबाली, हैदराबाद-32, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकोर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जून, 1974 को प्रवृत्त हुई समझी जाएगी।

[सं० एस-35019/84/79-पी.एफ. 2]

S.O. 2747.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Industrial Air Techniques Limited, Gachibowli, Hyderabad-32, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of June, 1974.

[No. S-35019/84/79-PF. II]

कांग्रा० 2748.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स रेलवे इक्विपमेंट कार्गोपोरेशन (प्राइवेट) लिमिटेड, 7/8, हार्नीमान, सक्किल, बोटावाला विल्डिंग, मुम्बई-23, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकोर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 सितम्बर, 1974 को प्रवृत्त हुई समझी जाएगी।

[सं० एस-35018/108/79-पी.एफ. 2]

S.O. 2748.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Railway Equipment Corporation (Private) Limited, 7/8, Horniman Circle, Botawala Building, Bombay-23, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of September, 1974.

[No. S-35018/108/79-PF. II]

कांग्रा० 2749.—केन्द्रीय सरकार का यह प्रतीत होता है कि मैसर्स दिंदो० २०४० केमा ऑरिस्टिल इस्टोट्रूट्यूट, 136, शीम्बे समाचार मार्ग, फोर्ट, मुम्बई-23, नामक स्थापन में सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकोर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किये जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1979 का प्रवृत्त हुई समझी जाएगी।

[सं० एस-35018/134/79-पी.एफ. 2]

S.O. 2749.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The K. R. Cama Oriental Institute, 136, Bombay Samachar Marg Fort, Bombay 23 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1979.

[No. S-35018/134/79-PF. II]

कांग्रा० 2750.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स डेरे डेस होम्स इंडिया, जी-25, ग्रान्टकूंड, जी०पी०ओ० के समाने, 4, साथु बास्ताली रोड, पूना-1, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी

भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने आश्रित हैं।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1977 को प्रवृत्त हुई समझी जाएगी।

[मा० एस-३५०१८/११९/७९-पी.एफ. २]

S.O. 2750.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Terre Des Hommes India, G-25, Shantikunj, Opposite G.P.O. 4, Sadhu Vaswani Road, Poona-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1977.

[No. S-35018/119/79-PF.II]

नहीं रिस्ट्री, 23 सितम्बर, 1980

का०ध० 2751.—केन्द्रीय सरकार जो यह प्रतीत होता है कि मैसर्स टीटी सेंटर प्रोर्टिज लिमिटेड, 9/1, भिलसटोन स्ट्रीट, कलकत्ता-71, जिसके अस्तर्गत 27 फीट स्कूल स्ट्रीट, कलकत्ता-16 स्थित उसकी शाखा भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुमंडल इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने आश्रित हैं।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 जून, 1979 को प्रवृत्त हुई समझी जाएगी।

[मा० एस-३५०१७/८०-पी.एफ. २]

New Delhi, the 23rd September, 1980

S.O. 2751.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs City Centre Properties Limited, 9/1, Middleton Street, Calcutta-71 including its branch at 27 Free School Street, Calcutta-16, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of June, 1979.

[No. S-35017(8)/80-PF. II]

का०ध० 2752.—मैसर्स दि जामनमर इंस्ट्रिक्ट कोम्पारेटिव बैंक लि०, जामनगर (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है), ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 1 की उपधारा (2क) के प्रधान छुट विधे जाने के लिये अधीन लिये विनाई है।

और केन्द्रीय सरकार का समाझान हो गया है कि उक्त स्थापन के कर्मचारी, कोई पृष्ठक अभिवाद्य मा प्रीमियम का संदाय किये विना ही,

भारतीय जीवन बीमा निगम की समूह बीमा स्कीम के अधीन जीवन बीमा के रूप में कायदा उठा रहे हैं और ऐसे कर्मचारियों के लिये में कायदे उन कायदों से अधिक प्रत्यक्ष हैं जो कर्मचारी निधेप से सम्बद्ध बीमा स्कीम, 1976 (जिसे इसमें हमें पश्चात् उक्त स्कीम कहा जाया है) के प्रधान उन्हें अनुशय हैं।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इसे उपबंध अनुसूची में विनारेष्ट मर्ती के अधीन रहते हुए, उक्त स्थापन को, 1 जनवरी, 1980 से 31 जनवरी, 1982 तक उक्त स्कीम के सूची, उपबंधों के प्रवर्तन से छुट देती है।

समूह बीमा

1. उक्त स्थापन के संबंध में नियोजक प्रांदिशित भविष्य निधि अधिकान, गृजरात का ऐसी विवरणिया भेजेगा, ऐसे लेखा रखेगा और निरीक्षण के लिये ऐसी मिविदायें प्रदान करेगा जो केन्द्रीय सरकार, सम्बन्ध पर निर्दिष्ट करें;

2. नियोजक, ऐसे निरीक्षण प्रभारी का प्रत्येक मास की समाप्ति से 15 दिन के भीतर सदाय करेगा जो केन्द्रीय सरकार, सम्बन्ध पर उक्त अधिनियम की धारा 17 की उपधारा (3क) के छण्ड (क) के अधीन निर्दिष्ट करें।

3. समूह बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का जाता जाता, विवरणियों का प्रस्तुत किया जाता, बीमा प्रीमियम का संबंध, लेखाओं का अवलोकन, नीरीक्षण प्रभारी का सदाय आदि भी है, होने वाले मर्ती अधिकारी व्ययों का वहन नियोजक द्वारा किया जायेगा।

4. नियोजक, केन्द्रीय सरकार द्वारा तथा अनुमोदित समूह बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन करा जाये तब उम मर्तीधन की एक प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का मा उक्त अधिनियम के अधीन छुट प्राप्त किसी स्थापन की भविष्य निधि का पहले से सदस्य है, उक्त स्थापन में नियोजित किया जाता है तो, नियोजक, समूह बीमा स्कीम के सदस्य के रूप में उत्तराधिकारी के लिये समूह बीमा स्कीम के अधीन उपलब्ध कायदे उन कायदों से अधिक प्रत्यक्ष हैं, जो उक्त स्कीम के अधीन अनुशय हैं।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध कायदे विवादों जाते हैं, तो नियोजक समूह बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध कायदों से अनुचित रूप से वृद्धि की जाने की अवस्था करेगा जिससे कि कर्मचारियों के लिये समूह बीमा स्कीम के अधीन उपलब्ध कायदे उन कायदों से अधिक प्रत्यक्ष हैं, जो उक्त स्कीम के अधीन अनुशय हैं।

7. समूह बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मुख्य पर इस स्कीम के अधीन सदेय रकम उस रकम से कम है जो उस कर्मचारी की दशा में सदेय होती जब वह उक्त स्कीम के अधीन होता होता, तो, नियोजक कर्मचारी के विविध वारिस/नामनिर्दिष्टी को प्रतिकर के रूप में दोनों रकमों के अंतर के बगावर रकम का सदस्य करेगा।

8. समूह बीमा स्कीम के उपलब्धों में कोई भी संशोधन, प्रावेशिक भविष्य निधि आयुक्त, गृजरात के पूर्व आक्सोटन के विना नहीं किया जायेगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव बढ़ने की संभावना हो वहाँ, प्रावेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवमर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बोमा निगम को उन मृत्यु बोमा स्काम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी राति से कम हो जाते हैं, तो यह छुट देकर कर दी जायेगी।

10. यदि किसी कारणवश, नियोजक उम नियन नारीय के मोतर जो भारतीय जीवन बोमा निगम नियन करे, प्रीमियम का संबोध करते में असफल रहता है, प्रीम पालिसी को व्यपत हो जाता है तो, यह छुट देकर दी जायेगी।

11. यदि नियोजक, प्रीमियम के सदाय, आदि में कोई अविकल्प रहता है तो, उन मृत्यु मदस्यों के नाम निर्देशितियों या विधिक वारिसों के, जो नह छुट न दी जाने की दशा में उक्त स्कीम के अन्तर्गत होने, बोमा फायदों के संदर्भ के उत्तराधिक नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी मदस्य की मृत्यु होने पर, उसके हकदार नाम निर्देशितियों विधिक वारिसों को बीमाकृत रकम का सदाय तत्पत्रता से और प्रत्येक वर्षा में भारतीय जीवन बोमा निगम से बीमाकृत रकम प्राप्त होने के सात दिन के मोतर सुनिश्चित करेगा।

व्याख्यात्मक स्थापन

इस मध्ये में पूर्विकी प्रभाव से छुट देनी आवश्यक हो गई है, जोकि छुट के लिये प्राप्त अवैदेन पत्र को कार्रवाई पर समय लगा। तथापि यह प्रमाणित किया जाता है कि पूर्विकी प्रभाव से छुट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संचया एम-०३५०१४(८)/८०-पी-एफ-०-II(i)]

S.O. 2752.—Whereas Messrs the Jamnagar District, Co-operative Bank Limited, Jamnagar, (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), (hereinafter referred to as the said Act);

And, whereas, the Central Government is satisfied that the employees of the said establishment afores, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts with effect from 1st February, 1980 and upto 31st January, 1982, the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Gujarat, maintain such accounts and provide for such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc. shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, along with a translation of the salient features thereof, in the language of the majority of the employees.

5. Where an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Gujarat, and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium etc., the responsibility for payment of assurance benefits to the nominee or legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, will be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

Explanatory Memorandum

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-35014(8)/80-PF-II (i)]

का०आ० २७५०.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्ट इलमोट डाइरेक्ट करेट एण्ड नेटवर्क (प्राइवेट) लिमिटेड, कु०म० ६२, हिस्सा म० १-४, मौजा बलीब, नालुका बसैन, जिला बाना, नामक स्थापन से संबंध नियोजक और कर्मचारियों को बहुसंख्या इस जात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम १९५२ (१९५२ का १९) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिये;

प्रत: अब, उक्त अधिनियम की भाग १ की उपधारा (४) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना १ अक्टूबर, १९७६ को प्रवृत्त हुई समझी जायेगी।

[सं. एम-०३५०१८(२१)/८०-पी-एफ-०-II]

S.O. 2753.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Elmot Direct Current Machines (Private) Limited, S. No. 62, Hissa No 1-A, Mouja Valiv, Taluka, Bassein, District Thana, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of October, 1976.

[No. S-35018(21)/80-PF. II]

का० आ० 2754.—केंद्रीय सरकार को यह प्रतीत होता है कि ऐसेर्वे बायो-डेस्ट मार्केटिंग सर्विसेज, 119, संजय बिल्डिंग नं० 3, मिल्स इण्डस्ट्रियल इस्टेट, एम०बी० रोड, अंधेरी, मुम्बई-59 नामक स्थापन से संबंधित नियोजक द्वारा कर्मचारियों की बहुमंजुषा इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि द्वारा प्रकीर्ण उपचंथ अधिनियम, 1952 (1952 का 19) के उपचंथ उक्त स्थापन को लागू किये जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, उक्त अधिनियम के उपचंथ उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अगस्त, 1979 को प्रवृत्त हुई समझी जायेगी।

[मं० एम०-35018(26)/80-पी०एफ०-2]

S.O. 2754.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Bio-Quest Marketing Services, 119, Sanjay Building No. 3 Mittal Industrial Estate, M. V. Road, Andheri, Bombay-59, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of August, 1979.

[No. S-35018(26)/80-PF. II]

का० आ० 2755.—केंद्रीय सरकार को यह प्रतीत होता है कि ऐसेर्वे मिनरल्स ग्रांडिंग कार्पोरेशन, 56-ठी०, रसूल कम्पाउंड, केशवराव खाल मार्ग, जेकोब सर्किल, मुम्बई-11 नामक स्थापन से सम्बंधित नियोजक द्वारा कर्मचारियों की बहुमंजुषा इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि द्वारा प्रकीर्ण उपचंथ अधिनियम, 1952 (1952 का 19) के उपचंथ उक्त स्थापन को लागू किया जाने चाहिए।

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, उक्त अधिनियम के उपचंथ उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 अक्टूबर 1978 को प्रदत्त हुई समझी जाएगी।

[मं० एम०-35018/27/80-पी०एफ०-2]

S.O. 2755.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Minerals Grinding Corporation, 56-D, Rasool Compound Keshavrao Khadya Marg, Jacob Circle, Bombay-11, have

agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of October, 1978.

[No. S-35018(27)/80-PF. II]

का० आ० 2756.—केंद्रीय सरकार को यह प्रतीत होता है कि ऐसेर्वे केमिकल्स प्रीजे इंडिया इंडस्ट्रीज, चौथी मंजिल, 130, एपोलो स्ट्रीट, पोस्ट बाक्स नं० 10109, मुम्बई-23, जिसके प्रबन्धालय (1) 8 लियन रेज, कालकाटा-1, (2) कमरा नं० 3, पठनी मंजिल, पंजाब नेताना बैक बिल्डिंग, 3576, नेतानी मुम्बई रोड, विरियानीज, विल्सन और (3) 204, शिवालय, 16, कमांडर-इन-चीफ रोड, मद्रास-8 नामक स्थापन में सम्बंधित नियोजक द्वारा कर्मचारियों की बहुमंजुषा इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि द्वारा प्रकीर्ण उपचंथ अधिनियम 1952 (1952 का 19) के उपचंथ उक्त स्थापन को लागू किया जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार उक्त अधिनियम के उपचंथ उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 जून 1978 को 5वें हुई समी अंदरी 2।

[मं० एम०-35018/26/-0-पी०एफ०-2]

S.O. 2756.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Priya Chemicals, Apjeejay House, 4th Floor, 130, Apollo Street, Post Box No. 10109, Bombay-23, including its branches at (1) 8, Lyon's Range, Calcutta-1, (2) Room No. 3, 1st Floor, Punjab National Bank Building, 3576, Netaji Subhas Road, Daryaganj, Delhi and (3) 204, Shivalaya, 16, Commander-in-Chief Road, Madras-8, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of June, 1978.

[No. S-35018(28)/80-PF. II]

का० आ० 2757.—केंद्रीय सरकार को यह प्रतीत होता है कि ऐसेर्वे सिंथेटिम, चित नार, मंपर, जी०बी०-१३, थाने नामक स्थापन से सम्बंधित नियोजक द्वारा कर्मचारियों की बहुमंजुषा इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि द्वारा प्रकीर्ण उपचंथ अधिनियम, 1952 (1952 का 19) के उपचंथ उक्त स्थापन को लागू किया जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, उक्त अधिनियम के उपचंथ उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1978 को प्रवृत्त हुई समझी जाएगी।

[मं० एम०-35019/29/80-पी०एफ०-2]

S.O. 2757.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Synth-Chem, Chitalsar, Manpada, G. B. Road, Thane have agreed that

का० आ० 2762—केन्द्रीय सरकार को यह प्रति द्वारा है कि मैसर्स मोहन माटी कॉम्पोनेंट्स, चिमाजी अप्पा रोड, फॉर्ट के निकट, बसैन डॉक घर जिला हार्णो, परिषद्मी रेलवे, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों का उपबन्ध इम बात पर महसूस हो गई है कि कर्मचारी अधिकार निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः, प्रब्र, उक्त अधिनियम की धारा 1 की उपधारा (4) प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

मह. अधिसूचना 31 मार्च, 1979 को प्रवन्त शुरू समझी जाएगी।

[मं० एम-35018/35/80-पी० पफ० 2]

S.O. 2762.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Mohan Auto Components, Chimaji Appa Road, Near Fort, Bassein Post Office, District Thane, Western Railway, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This Notification shall be deemed to have come into force on the thirty first day of March, 1979.

[No. S-35018(35)/80-PF.II]

का० आ० 2763.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एम० 3114, मदुरै यूनिवर्सिटी कोऑपरेटिव प्रिटिंग प्रेस, लिमिटेड, मदुरै, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की अहृसंघ्य इम बात पर महसूस हो गई है कि कर्मचारी अधिकार निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः, प्रब्र, उक्त अधिनियम की धारा 1 की उपधारा (4) प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जून, 1978 को प्रवृत्त हुई समझी जाएगी।

[मं० एम-35019(35)/80-पी० पफ० 2 (i)]

S.O. 2763.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs M. M. 3114, Madurai University Co-operative Printing Press Limited, Madurai, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This Notification shall be deemed to have come into force on the first day of June, 1978.

[No. S-35019(35)/80-PF.II (i)]

का० आ० 2764—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मेस्ट्रान साइकिल एंड ग्राहम मिल स्टोर्स, नीसनेलवेली, जिसके अन्तर्गत (1) नीसनेलवेली जंशन और (2) कोविलपट्टी, सिंधु उसकी शाखाएं भी हैं, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की अहृसंघ्य इम बात पर महसूस हो गई है कि कर्मचारी अधिकार निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

प्रग., प्रब्र, उक्त अधिनियम की धारा 1 की उपधारा (4) प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एम-35019/36/80-पी० पफ० 2]

S.O. 2764.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Selvan Cycle and Rice Mill Stores, Tirunelveli including its branches at (1) Tirunelveli Junction and (2) Kovilpatti have been agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment;

This Notification shall be deemed to have come into force on the first day of January, 1979.

[No. S. 35019(36)/80-PF. II]

का० आ० 2765.—मैसर्स गेडोर टूल्स (इण्डिया) प्राइवेट लिमिटेड, हुंडसी, जिला मोनीपत, (जिसे इसके पश्चात उक्त स्थापन कहा गया है) ने कर्मचारी अधिकार निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के प्रधीन सूचित दिया जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, कोई पृथक अभिमाय या श्रीमियम का संदाय किए जिना ही, भागीय जीवन और नियम की समृद्ध और स्कीम के अधीन जीवन और नियम के रूप में कायदा उठा रहे हैं और ऐसे कर्मचारियों को लिये दे कायदे उन कायदों से अधिक अनुकूल हैं जो कर्मचारी निषेप से सम्बद्ध और स्कीम, 1976 (जिसे इसके पश्चात उक्त स्कीम कहा गया है) के प्रधीन उन्हें अनुप्रयोग हैं;

अतः, प्रब्र, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इसके उपबन्ध अनुसूची में विनिष्ट भर्ती के प्रधीन रूपों हुए, उक्त स्थापन को, 1 दिसम्बर, 1977 से 30 नवम्बर, 1981 तक उक्त स्कीम के सभी उपलब्धों के प्रबन्धन से छूट देती है।

अनुसूची

1. 1. उक्त स्थापन के संगठन में नियोजक प्रार्देशिक अधिकार निधि आपूर्त, हरियाणा को ऐसी विवरणिया भेजेगा, ऐसे लेकर रखेगा और निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निश्चित करें।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रयोग मास की समाप्ति से 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, नम०-पी० पर उक्त अधिनियम की धारा 17 की उपधारा (2क) के शूक (ii) के प्रधीन निश्चित करें।

3. समृद्ध और स्कीम के प्रशासन में, जिसके अन्तर्गत लेखांशों का रखा जाना, विवरणियों का प्रस्तुत किया जाना, और श्रीमियम का संदाय, लेखांशों का अन्तरण, निरीक्षण प्रभारों का संशय आश्रित नहीं है, हाने वाले सभी व्ययों का बहुन नियोजक द्वारा किया जायगा।

4. नियोजक, केन्द्रीय सरकार द्वारा या अनुमोदित समूह बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उग संशोधन की एक प्रति तथा कर्मचारियों की बढ़ुसेल्पा की भाग्य में उमकी मुद्य वालों का अनुबाद, स्थापन के सूचनाग्रहण पर प्रवर्शन करेगा।

5. यदि कोई ऐमा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन कृपा प्राप्त किए स्थापन की भविष्य निधि का पहले में सम्म्य है, उक्त स्थापन में नियोजित किया जाता है तो, नियोजक, समूह बीमा स्कीम के मश्य के रूप में उमका नाम तुरन्त रज करेगा और उमकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संबत करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे वाले जाने हैं, तो, नियोजक, समूह बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप में बुद्धि की जाने की अवस्था करेगा जिससे कि कर्मचारियों के लिए, समूह बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुरैय हैं।

7. समूह बीमा स्कीम में किसी बात के होने हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदाय रकम उम रकम से कम है तो उम कर्मचारी की दण में देय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिय/नामनिर्देशिती को प्रतिकर के रूप में दोनों रकमों के अन्तर के बगाबर रकम का संदाय करेगा।

8. समूह बीमा स्कीम के उपवर्धनों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, हरियाणा के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तिगुल अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उम समूह बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द कर दी जाएगी।

10. यदि किसी कारणवश, नियोजक उम नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को व्यवगत हो जाने विधा जाता है, तो यह छूट रद्द कर दी जाएगी।

11. यदि नियोजक, प्रीमियम के संदाय, आदि में कोई अविक्रम करता है तो, उम गृह सदस्यों के नाम निर्देशितीयों या विधिक वरिसों के, जो वह छूट न दी जाने की दण में उक्त स्कीम के अन्तर्गत होते, बीमा फायदां के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, हम स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर, उसके हकदार नाम निर्देशितीयों/विधिक वारिसों को बीमाहन रकम का संदाय तत्पत्ता से और प्रत्येक दण में भारतीय जीवन निगम से बीमाहन रकम प्राप्त होने के मात्र बिन के भीतर सुनिश्चित करेगा।

व्यवसायक ज्ञापन

इस मामले में पूर्वपिण्डी प्रभाव से छूट देनी आवश्यक हो गई है, क्योंकि छूट के लिए प्राप्त आवेदन पत्र की कार्रवाई पर समय लगा। तथापि यह प्रमाणित किया जाता है कि पूर्वपिण्डी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एस-35014(94)/80-पी० एफ-11]

हेसराज आबड़ा, नियेशक

S.O. 2765.—Whereas Messrs Gedore Tools (India) Private Limited, Kundli, Distt. Sonepat (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act):

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees' Deposit-linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts with effect from 1st December, 1977 and upto 30th November, 1981 the said establishment from the operation of all the provisions of the said Scheme;

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Haryana, maintain such accounts and provide for such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance or accounts submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc. shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Where an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Haryana and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium etc., the responsibility for payment of assurance benefits to the nominee or legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, will be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee or legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

Explanatory Memorandum

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-35014(94)/80-PF. II]

HANS RAT CHHABRA, Director

New Delhi, the 22nd September, 1980

S.O. 2766.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of the Indian Airlines and their workmen, which was received by the Central Government on the 16th September, 1980.

BEFORE SHRI J. P. SINGH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
(NO. 2) DHANBAD

Reference No. 25 of 1979

In the matter of an Industrial Dispute under S. 10(1)(d)
of the I.D. Act 1947.

PARTIES :

Employers in relation to the management of the Indian Airlines.

AND

Their workmen.

Their workmen.

APPEARANCES :

On behalf of the employers : Mr. Chand, Dy. Manager, Personnel Services (IR).

On behalf of the workmen.—Shri N. C. Guha the concerned workman, Asst. General Secretary, Air Corporation Employees Union, Calcutta.

STATE : Calcutta INDUSTRY : Airlines

Dhanbad, the 9th September, 1980

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its notification No. L-11012(1)/77-D. II(B) dated 4th May, 1979 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDULE

"Whether the action of the management of the Indian Airlines is not regularising the absence of Shri N. C. Guha, Traffic Assistant for the period from 30-1-76 to 16-5-76 and depriving him of his pay

and allowances for that period, is justified. If not, to what relief is the said workman, entitled ?"

2. Shri N. C. Guha, Traffic Assistant posted at Calcutta received permanent transfer order to Ranchi by Commercial Manager, Indian Airlines, Calcutta vide his letter No. CCU/CM/18/11383 dated 29-12-75. Shri Guha was at that particular time undergoing treatment. But ultimately due to the pressure exercised by Indian Airlines authority to comply with the transfer order, he took advance for his movement to the place of posting at Ranchi. But under medical advice he could not immediately join at Ranchi and a departmental proceeding against him was drawn up. There after he joined at Ranchi. The departmental proceeding was conducted at Ranchi in which Shri Guha participated. When the departmental enquiry into the charges was in progress Shri Guha by his letter dated 6-7-1976 made a prayer that he did not want to contest the charges and asked for sympathetic decision on the ground of his assurance that in future he would abide by the rules, regulations and instructions of the corporation. The management ordered that for his unauthorised absence from 30-1-1976 to 16-5-1976 i.e. for 108 days Shri Guha would not be entitled to his wages. Accordingly Shri Guha was not paid for that period the amount of wages and allowances which would have been ordinarily due to him. An industrial dispute was raised by Shri Guha in his capacity as Assistant General Secretary, Air Corporation Employees Union, Ranchi.

3. The main contention raised on behalf of the management is that in the departmental proceeding serious charges were levelled against Shri Guha and he would have been severely punished if found guilty by the enquiry officer. But on account of the petition of Shri Guha undertaking to behave properly in future he was given no punishment and was simply refused his pay for his unauthorised absence on the principle of 'No work no pay'. According to the management since no punishment was awarded to Shri Guha, there could be no industrial dispute. Moreover, this reference was incompetent for the reason that this was an individual matter between the management and Shri Guha and so this reference should be treated as under Section 2A of the I.D. Act, 1947.

4. Shri Guha is a trade union leader and his struggle with the management of the Indian Airlines appears to be a history in itself. Shri Guha's own case is that in 1974 he was suspended and as soon as he joined his duty he was transferred to Dibrugarh. Somehow his transfer order was cancelled and later on he was transferred to Ranchi. Shri Guha has filed a very large number of correspondences which could be only treated as background of struggle between him and the management and not very relevant for our purpose. I will, however, try to point out some of them just to give bare idea as to how the relationship between him and the management stood. To deal with all the exhibits which have been marked with the consent of the parties in this court will be unnecessarily making the judgement bulky. We can safely say that these documents are not for the consideration of this court on the question involved in this reference. However, I will try to summarise the case as briefly as possible.

5. I have already said that Shri Guha was transferred to Ranchi by Commercial Manager's letter dated 29-12-75. He was released on 30-1-1976 and he joined on 17-5-1976. In the meantime Shri Guha applied for transfer benefits and he was allowed a sum of Rs. 2025 which he withdrew on 3-2-1976 (vide Ext. M9). Shri Guha also filed a petition in the Hon'ble High Court at Calcutta against the order of his transfer on 5-4-76 which was rejected. It was only thereafter that Shri Guha offered to join his service and reported for duty at Ranchi on 17-5-76.

6. Shri Guha filed a medical certificate of Dr. B. K. Dutta dated 13-2-76. There is another medical certificate of Dr. Biswas dated 17-5-76. Shri Guha was informing the Commercial Manager, Indian Airlines, Calcutta about his illness. It has been contended on behalf of the management that even accepting the medical certificates to be true, Dr. Biswanath Roy recommended him for 3 weeks rest i.e. from 31-1-76 to 20-2-76. It has been urged that from 21-2-76 there was no medical certificate to justify his absence and the period thereafter has to be treated as unauthorised absence from duty.

7. The charge sheet issued against Shri Guha is Ext. M-12 dated 28-4-76 covering the following points :

- (1) Not reporting at Ranchi inspite of his release from Calcutta from 30-1-76.
- (2) Unauthorisedly absence from 31-1-76 without sanction of leave.
- (3) Intentionally and dishonestly trying to misappropriate Corporation's money amounting to Rs. 2025 being part of the permanent transfer benefit.
- (4) For unauthorisedly and illegally holding key of the office almirah.

8. The attempt on the part of Shri Guha in this court is to show that none of the charges had any merit. For instance he has tried to justify his absence by saying that he was undergoing under the direction of Indian Airlines medical officer. He has further said that his transfer to Ranchi was stayed by the Commercial Manager but he was ordered by the Station Officer to make over charge at Calcutta and to join at Ranchi. With regard to the withdrawal of transfer benefit Shri Guha has tried to make out a case that he had gone to the Indian Airlines office for re-deposit of the money but he was prevented by the security staff to enter the building. None of these points are relevant for our purpose for the simple reason that in connection with this reference I have not to record the finding as to whether the charges were proved or not. Suffice it to say that admittedly the departmental enquiry had to be dropped on account of the petition filed by Shri Guha himself on 6-7-76 (Ext. M14) admitting that he did not want to contest the charges. He further asked for sympathetic decision with the assurance that in future he shall abide by the rules, regulations and instructions of the corporation. Shri Guha has said in this court that he had to file that petition because the General Secretary of his union advised him to do so because there was a likelihood of his dismissal. It is not our concern to go into this question. Suffice it to say that Shri Guha himself filed that petition as a result of which the departmental proceeding was dropped. But this much however, is clear that on account of this petition no punishment was awarded to him. According to the management the absence and the petition for leave was considered by the management sympathetically and his absence was treated as leave without wages. It is apparent that by filing the petition at the time of enquiry he got many advantages, and as he says, he was not required to face dismissal from service. The granting of leave has to be within the discretion of the management which means that the leave could be allowed or could not be allowed. It was upto the management to allow him leave for the period of his absence or to treat it as leave without pay. Shri Guha has said that he had already leave due with the corporation to cover up the period of his absence and the same should have been adjusted by the corporation against his leave. It is true that if the management so desired the period of his absence could have been adjusted against his accumulated leave. But this again was within the discretion of the management, and the management could not be asked to follow a particular course of action. The management in this case has exercise its discretion. Moreover, Shri Guha has still the accumulated leave to his credit which could be used by him. Since he is not a looser on this account, he could not be said to have suffered or punished by virtue of the order passed by the management in the matter of allowing leave without pay for the period of his absence.

9. I, therefore, hold that the action of the management of the Indian Airlines is not regularising the absence of Shri N. C. Guha, Traffic Assistant, for the period from 30-1-1976 to 16-5-1976 and depriving him of his pay and allowances for that period, is justified. Consequently, Shri Guha is entitled to no relief.

This is my award.

I. P. SINGH Presiding Officer
[No. L-11012(1)/77-D. II(B)]

New Delhi, the 3rd October, 1980

S.O. 2767.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Dhanbad, in the industrial dispute between the employers in relation to the management of Messrs Arrah Sasaram Light Railway and Futwah Islampur Light Railway Companies Limited and their workmen.

BEFORE MR. JUSTICE B. K. RAY, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL NO. 1,

DHANBAD

Reference No. 80 of 1977

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the management of Messrs Arrah Sasaram Light Railway and Futwah Islampur Light Railway Companies Limited.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri S. K. Mallick, Director.

For the Workmen—Shri B. Joshi, Advocate.

STATE : Bihar INDUSTRY : Railway.

Dhanbad, dated the 13th June, 1980

AWARD

By notification No. L-11012(2)/77-II(B) dated the 10th August, 1977 the Central Govt. have referred the dispute between the employers in relation to the management of Messrs Arrah Sesaram Light Railway (hereinafter called ASL Rly.) and Futwah Islampur Light Railway (hereinafter called FILL Rly.) companies Ltd. and their workmen to this Tribunal for adjudication. The schedule to the reference reads thus :

"(1) Whether the demand of the workmen for revision of the wage structure to be at par with the workmen of comparable categories of the State Railways is justified ? If so, to what relief are the workmen entitled?

(2) Whether the demands of the workmen in respect of (a) supply of uniforms, (b) supply of medicines to the dispensary for the benefit of the workmen, (c) appointment of doctor for looking after the dispensary run for the benefit of the workers, and (d) reintroduction of the system of reservation of T. B. Beds in Calcutta Sanatorium, are justified ? If so, to what relief are the workmen entitled?"

2. The schedule quoted above shows that the dispute which has been referred for adjudication broadly consists of two parts, namely, (1) the claim of the workmen for revision of their wage structure to put them at par with workmen of the State Railways and (2) the claim of the workmen for supply of uniforms, and medicines to the dispensary, for appointment of a doctor in the dispensary, run for the benefit of the workers, and for reservation of T.B. Beds for the workmen in Calcutta Sanatorium.

3. On receipt of the reference from the appropriate Government parties have been noticed. The management on 29-9-77 has filed a preliminary written statement. With regard to the 1st part of the reference it is said by the management that on earlier occasions matter enumerated in item No. 1 of the schedule to the reference was settled by awards and agreement, that last of such settlement was on 17-7-73 according to which management is paying salary, dearness allowance and other allowances, that the said settlement not having been terminated and being still in force under Sec. 19 of the Industrial Disputes, 1947, the appropriate Government have no jurisdiction to make any reference

for adjudication of a dispute relating to the matter settled by a valid settlement. With regard to the second part of the reference it is said that the supply of uniforms, medicines to the dispensary and appointment of doctor being matters covered by statutes they can not form subject matter of any industrial dispute and that the reservation of T.B. Bed in Calcutta Sanatorium being a matter controlled by the Staff Benefit Fund, the demand relating to it cannot be made against the management.

4. In the written statement filed on behalf of the workmen of the two Light Railways on 14-10-77 the assertions made by the management in its preliminary written statement filed on 29-9-77 challenging the validity of the reference and jurisdiction of the Tribunal have been denied. The positive stand taken by the workmen in the written statement is that the settlement dated 17-7-73 between the parties being only for 3 years, after expiry of 3 years period from 17-7-73 the workmen submitted a new charter of demand as per item No. 1 of the schedule to the reference and so it cannot be said that the settlement dated 17-7-73 is still in force, that Martin's group of Light Railways including the two Light Railways in question being bound to maintain train services under the provisions of Rly. Rules framed by the Ministry of Railways Govt. of India, the workers of the two Light Railways cannot be treated differently from the workers in the State Railways, that the benefits granted under an award passed by Industrial Tribunal, Delhi in an industrial dispute between workers of Shahdara-Saranpur Light Railway (managed by Martin's Light Railway) and the management should be granted to the workers in the instant case, that the management having stopped supply of summer, winter and rainy season uniforms since 1970 and the workers having performed their duties with uniforms purchased by them, they are entitled to Rs. 3,60,000 from the management for the period from 1970 to 1977, that the management having stopped supply of medicines and medical benefits for 5 years prior to filing of the written statement, it is liable to pay to the workers Rs. 60,000, that the plea of the management regarding workers' demand for reservation of T.B. Beds in Calcutta Sanatorium is not correct and the management should be called upon to reserve the beds as before for the benefit of the workers, that the two Light Railways being subsidised by Central Govt. the justified needs of the workers cannot be denied to them by the management and that the wage structure of the workers of the two Light Railways has to be revised as per Central Pay Commission's recommendation which have been made applicable to all the employees of the State Railways.

5. In the rejoinder filed by the management on 28-11-77 to the written statement of the workmen filed on 14-10-77, the management has asserted that the settlement of 17-7-73 has not been validly terminated and hence in force, that there can be no comparison between the two Light Railways in question and the State Railways, that a dispute in respect of supply of uniforms cannot be ordinarily the subject matter of industrial dispute and conceding it to be so the same cannot be referred to an Industrial Tribunal because such an item is not in the 3rd schedule of I.D. Act, that the management has not stopped any medical benefit to the workers, that a qualified whole time doctor is efficiently serving the needs of the workmen of both the Railways, that the management having never introduced any system of reservation of beds for T.B. patients in any Sanatorium for the benefit of the workmen the question of restarting the system does not arise and that the matters mentioned in item No. 2 of the schedule attached to the reference not being included in Schedule 3 of I.D. Act. the reference is outside the jurisdiction of this Tribunal.

6. After the reference was made by the appropriate Government ASL Rly. has been finally closed from 15-2-78 and the company has been put into voluntary liquidation on 29-3-79 since when two liquidators have been appointed to wind up the company. It is due to this change, while the matter was pending before the Tribunal the workmen moved the Tribunal to implead the two liquidators as parties to the proceeding. Accordingly the tribunal issued notices to the liquidators calling upon them to show cause as to why they should not be impleaded. On being noticed the liquidators showed cause on 20-4-79 saying that their functions were not to manage the company but to realise its assets and after payment therefrom the just liabilities of the company to

distribute the balance of such assets amongst the contributors, and so the liquidators cannot be placed in the position of an employer in relation to the management of ASL Rly. Co. that the ASL Co. having closed down its business since 15-2-78, long before it went to voluntary liquidation, the liquidators were not carrying on the business of the company or managing the company, that according to provision of Sec. 487 of the Companies' Act despite winding up the corporate state and separate power of the company continue until it is dissolved and so the corporate character of ASL Rly. Co. was continuing even after it went into voluntary liquidation and so liquidators are not necessary parties and that in the event of any benefit being given to the workers of ASL Co. in the instant case under an award, against the company, they will become creditors of the company in respect of the benefits conferred and as such the liquidators will have to deal with the benefits conferred under the award in the same way as those of other creditors of the company in accordance with provisions of the Companies' Act.

7. After the liquidators showed cause, parties as well as the liquidators were heard on the preliminary points raised by the management in its preliminary written statement and on the show cause filed by the liquidators by my predecessor who by order dated 6-6-1979 accepted the stand of the liquidators. Regarding the contention of the management that in view of the admitted position that ASL Co. has closed down since 15-2-78 the dispute relating to matter mentioned in item No. 1 of the schedule to the reference cannot be adjudicated, my learned predecessor has held in the aforesaid order that Sec. 17A of the I.D. Act empowers the Tribunal to give retrospective effect to its award and so if the wage structure is revised with retrospective effect in the award to be passed by the Tribunal the workmen whose services have been terminated will be entitled to some monetary benefits. The question whether the award to be passed will be given retrospective effect or not has been left open by the said order to be gone into at the time of final hearing of the case. It has been further held in the order that the reference for demands of workers of ASL Rly. Co. mentioned in 2(b), 2(c) of the schedule to the reference have become infructuous. The other question relating to the effect of settlement dated 17-7-77 and effect of statutory provisions for supply of uniforms and medicines have been left to be determined along-with other items in the schedule of claims at the time of final hearing.

8. Subsequent to the above order the management of FIL Rly. Co. Ltd. filed another written statement. The case made out in the written statement is as follows. The reference relating to the claims to revise the wage structure being incompetent and this Tribunal having no jurisdiction to answer the same it will have no jurisdiction to give any award regarding item Nos. 2(a), 2(b), 2(c) and 2(d) of the schedule in the reference as it will amount to revising wage structure indirectly. FIL Rly. Co. Ltd. is a public limited company registered under Indian Companies' Act. It started operation from 24-1-22. The Railway is running from Futwah in the district of Patna to Islampur in the district of Nalanda covering a distance of 43.12 K.M. The State Government under provision of M. V. Act appointed a High Power Committee to go into the question of Road and Rail competition. On the basis of the recommendation of the Committee the State Govt. issued a notification under the State rules of the M.V. Act that no bus permit will be issued in direct competition with the two Light Railways. The South Bihar Regional Transport Authority in complete disregard to the notification issued road permits permitting motor vehicles to run in parallel competition with the two Light Railways. Consequently the financial position of the two Light Railways started crippling from year to year. The workmen of ASL Rly., FIL Rly., Howrah-Amra Light Railway, and Howrah Sheakhala Light Railways raised a dispute similar to the present dispute and claimed payment in same scales of pay applicable to State Railway employees as per the recommendation of Central Pay Commission in 1949. The dispute was referred for adjudication. The Tribunal having considered the nature of work, financial capacity and all other relevant points gave its award known as Jeeisebhow Award which did not accept the case of the workmen that they should be paid in the same scale of pay in which State Railway employees were paid. Again in 1957 the workmen of two Light Railways demanded same scale of pay as fixed for the employees of the State

Railways. This question was adjudicated upon in Reference No. 2 of 1957. The award passed in the reference known as Das Gupta Award did not accept the claim of the workmen to be paid in the same scale of pay as applicable to the employees of State Railways on the basis of Central Pay Commission report, although it recommended minor adjustments in the scale of pay. While deciding the question of D.A. Das Gupta's award observed that the Light Railways cannot have any comparison with the State Railways and the scheme of D.A. applicable to State Railway employees cannot be transplanted in the Light Railways. This award was applied to the employees of ASL and FIL Light Railways and was implemented in terms of Jeejeebhoy award. In 1960 the Union of Howrah-Amra and Howrah-Sheukhala Light Railways raised another dispute claiming that the employees of the two Light Railways should be paid in the same scales of pay in which State Railway employees were paid as per recommendation of Central Pay Commission. Palit Tribunal to which the dispute was referred for adjudication held that the claim of the workmen was not justified. Palit Award considered the question of D.A. fixed by Das Gupta Award but did not disturb the scale of pay fixed as per Das Gupta Award. Regarding D.A. Palit Award linked it with cost of living index as mentioned in the award. This award was implemented in ASL and FIL Railway Company Ltd. In 1965 the Union of Howrah-Amra and Howrah-Sheukhala Light Railways raised the question of revision of scales of pay on the basis of recommendation of the 2nd Pay Commission Report for the employees of State Railways. The dispute was referred to a Tribunal for adjudication and the award of the Tribunal known as Basu Award considering all aspects of the case including financial position rejected workmen's demand for scales of pay applicable to State Railways. The award however fixed the scales of pay on need based fair minimum wage and fixed D.A. on a basis of cost of living index. This award was challenged both by the union as well as the management. But subsequently a tripartite agreement was entered into on 28-10-69 between the management and the union of ASL and FIL Rly. Company Ltd. U/s. 12(3) of the I.D. Act. This agreement was further modified by tripartite agreement on 17-7-73. As per its terms the agreement was to remain in force for a period of three years. Although the period of 3 years expired neither party to the agreement exercised its option to terminate it and so it is still in force. Under the wage structure provided in the agreement the scales of pay of all the categories of employees have been revised and the D.A. scheme provided in the agreement has been linked up with cost of living index. On the basis of D.A. Scheme any erosion in the wage packet of an employee is taken care of by automatic rise in D.A. according to the cost of living index. Under the D.A. Scheme in the agreement there has been increase of D.A. of Rs 6 on 1-1-77 and Rs. 3 on 1-7-77 thus making the total increase of D.A. to Rs. 56 per head since the agreement dated 17-7-73. In September, 1977 there was a devastating flood which hardly affected FIL Rly. This was followed by an illegal strike by the workers for about 9 months. Consequently the train services remained suspended for about 2 years causing resultant loss to revenue earning. Most of the available funds were spent in repair works of the railway line. Normal works of repair of engines and rolling stock could not be taken up for want of money. In view of the deteriorating financial position, in view of the fact that nature of work of the Light Railways differs widely from the nature of work in State Railways, as found in different awards, in view of the fact that different Tribunals starting from Jeejeebhoy Tribunal in 1949 to Basu Tribunal 1966 have rejected the demand of the workmen to be paid in the same scale of pay on which State Railways employees are paid, in view of the fact that there has been no change in circumstances since Basu Award to warrant a change in the scale of pay and D.A. and in view of the fact that the agreement dated 17-7-73 is still in force, the reference under item No. 1 of the schedule is without basis and is liable to be rejected. Even otherwise the wage structure of FIL Rly. does not call for any revision considering the financial condition of the Railway company, cut-throat competition of Road Transport System, recurring destruction caused to the railway line by floods, and the system of dearness allowance introduced by settlement linking it with cost of living index.

With regard to Item No. 2(a) of the Schedule to the reference the case of the Company is that in the demand dated 18-4-77 which forms the basis of the reference the case of the workmen is that uniforms are not being supplied

to the staff since 1970 and so they should be supplied in full. But in the written statement the workmen have changed their stand and have demanded cost of uniform. There is no basis for the demand for cost and the workmen are not entitled to recover the same. In normal period the company was supplying uniforms to Station Masters, Asstt. Station Masters, Guards, T.Es and Drivers. Due to financial stringency as stated earlier it has not been possible for the company to supply uniform regularly. In view of the inability on the part of the company to supply uniforms, the management has relaxed the rules for use of uniform. So the workmen cannot be said to have any case for this item of their claim.

Regarding claim in item No. 2(b) of the schedule to the reference the case of the management is that workmen in their demand dated 18-4-77 having said that medicines and other medical benefits are not at all available in the dispensary for last 5 or 6 years, the case of the workmen made out in their written statement to the effect that the company should pay Rs. 60,000 for alleged non-supply of medicines by the management can not be entertained. This claim has no basis and is beyond scope of reference according to the management. The management, it is asserted in its written statement, is always taking care to supply essential medicines to the dispensary inspite of financial position.

With regard to item No. 2(c) of the schedule to the reference the case of the company is that the question of appointing a doctor for ASL Rly. does not arise as the said industry is closed for good. For FIL Rly. a dispensary is being run and a whole time doctor is always in service. So no question of appointment of a medical officer arises.

Regarding item No. 2(d) of the schedule to the reference the case of the company is that a staff benefit fund was created in 1952 with donations from Railway Companies under the same management. The said fund is managed by a Committee consisting of companies' representatives and representatives of employees. The management as such has no concern with the same. The said committee reserved a bed for T.B. patients for the staff at K. S. Ray T. B. Hospital Jadavpur, Calcutta and another bed in Calcutta National Medical College Hospital, Calcutta. No bed was ever reserved in Calcutta Sanatorium. With effect from 1-1-71 the said committee discontinued those reservations and the management as such is in no way responsible for the decision of the Committee. The management never introduced any system of reservation of any bed in any hospital for the employees suffering from T. B. and so the question of reintroduction of the system does not arise.

For the reasons stated above the management claims that the demands of the workmen not being tenable are to be rejected.

9. In a separate written statement the Liquidators of ASL Rly. while adopting the pleas taken by FIL Rly. have said that ASL Rly. having been admittedly closed with effect from 15-2-58, the industry has ceased to exist and the services of its employees have been legally terminated. The employees therefore are no longer workmen in fact and law. So the question of revising the wage structure for those employees cannot arise. Any revision of wage structure will be infructuous. When revision of wages structure is not competent the question of giving retrospective effect to such revision of wages structure does not arise. Under these circumstances the Tribunal is not competent to give any award in respect of ASL Rly. which does not exist as an industry. ASL Rly Co. Ltd. having gone into liquidation and all its employees having been retrenched legally there can be no industrial dispute. The reference has therefore become infructuous.

10. In a rejoinder to the second written statement filed by the management, the union relying on the order dated 6-6-79 urges that in view of the said order it is not open to the management to say that the reference in respect of the dispute raised by employees of ASL Rly. company which has gone into voluntary liquidation after closure of its business, has become infructuous. The reference according to the union cannot be said to be invalid inasmuch as an award

that may be passed in the reference may have retrospective effect conferring certain monetary benefits on the workmen whose services have been terminated. Regarding FIL Rly. it is contended by the union under an agreement between Central Govt. and FIL Rly. the former being bound to meet the whole operational losses of the Railways including the wages of the staff, the point raised by the management that due to bus and rail competition, the financial position of the management being crippled it is not possible for it to meet a higher wage bill has no substance. The union further contends in the rejoinder that the position has substantially changed since Jeejeebhoy Award, Das Gupta Award, Palit Award and Basu Award were passed. FIL Rly. now being subsidised by the Central Govt. and the said Rly. being in the same position as other State Railways run for public service, the management cannot rely on the aforesaid awards to escape its liability. In this connection union relies upon para 3 of letter No. F(X)1-77/13/4 dated 7-2-77 of the Railway Minister. Reliance is also placed by the union on the letter No. E/168/FI dated 15-11-78 of the General Manager. FIL Rly. addressed to the General Secretary of the union. According to the union after the agreement with the Central Govt. public interest and interest of the workmen have come to the fore front and not profit. Regarding termination of the tripartite agreement dated 17-7-73 the union relies upon its General Secretary's letter No. BMIR/NC/DECN/DNB/77 dated 18-4-77 and urges that by the said letter the agreement has been duly terminated. According to the union the workmen of the company get only Rs. 50,000 per month as wages whereas the company spends about Rs. 1,00,000 per month over its 5 or 6 officers towards their pay. This disparity it is urged by the union shows company's attitude towards the working staff. FIL Rly. is a railway as per provision in Indian Railways Act and its workmen have to perform duties in accordance with service regulation of Martin's Light Railways. The nature of work of the workmen in FIL Rly. is similar to the nature of work of employees in State Railways. So there is no reason why the workmen of FIL Rly. will not be dealt in the manner in which the employees of the State Railways are dealt. As per service Regulation of 1954 of Martin's Light Railways the company is to supply seasonal uniforms. The management having agreed to supply uniforms when funds will be available, it cannot now turn round to say that the demand of the workmen on this head is not justified. The workmen when supply of uniform were stopped had to purchase cloth from open market for the purpose of preparing uniforms to preserve their identity. So the management is bound to pay the cost of uniform purchased by the workmen out of their own funds. For the aforesaid reasons the union justifies its demands against the management on all heads.

11. In a separate written statement the workmen of ASL Rly. claims that in view of the fact that when the reference was made the railway was functioning and that the business was closed during the pendency of the reference for adjudication, an award should be passed in favour of the workmen with retrospective effect which will give the workmen some monetary benefit.

12. Before entering into the merits of the case it need be mentioned here that Mr. B. Joshi learned counsel for the union does not press the demand of the workmen of ASL Rly. as the industry has been closed for good and the services of the workmen have been terminated since 15-2-78. It is therefore not necessary to adjudicate the dispute between the workmen of ASL Rly. and the management.

13. Regarding the claim of the workmen of FIL Rly. at the cost of repetition it may be mentioned here that the schedule to the reference consists of two parts, namely, (1) whether the demand of the workmen for revision of their wage structure to be at par with the workmen of comparable categories of the State Railways is justified and if so to what relief the workmen are entitled and (2) whether the demands of the workmen in respect of (a) supply of uniforms (b) supply of medicines to the dispensary for the benefit of the workmen. (c) appointment of a doctor for looking after the dispensary run for the benefit of the workmen, and (d) reintroduction of the system of reservation of T.B. Beds in Calcutta Sanatorium are justified and if so to what relief the workmen are entitled to.

14. I shall now take up the 1st demand relating to claim of the union for revision of the wage structure of the employees of FIL Rly. But while referring to the evidence in

this connection I propose to cover the evidence in respect of other demands to avoid referring to the evidence of the same witnesses once again while dealing with other demands. MW-1 is the Chief Accounts Officer of the Rly. According to his evidence the line was opened in 1922. At the time of opening of the line an agreement was entered into between the company and the Central Govt. Under the agreement if the profits exceed 5 per cent, the same has to be divided half and half between the company and the Central Govt. If the profit was upto 5 per cent the entire amount has to be retained by the company. In case the company is unable to pay dividend upto 3-1/2 per cent, under the agreement the Central Govt. is to pay the deficit to enable the company to pay dividend at 3-1/2 per cent. The witness has proved balanced sheets of the company for the years 1973 to 1979 Exts. M-9 to M-13. These balance sheets show that in the year ending 31st March 1975 the company sustained a loss of Rs. 24,32,201 in the year ending 31st March 1976 the company sustained a loss of Rs. 15,17,613, in the year ending 31st March 1977 the company sustained a loss of Rs. 9,49,484 in the year ending 31st March 1978 the company sustained a loss of Rs. 8,95,303 and in the year ending 31st March 1979 the company sustained a loss of Rs. 10,77,508. The witness says that sum of Rs. 3,00,000 is still due to the company from the Central Govt. for the year ending 31st March 1979. The deposition of the witness further reveals that there was a flood in September 1976 which damaged major portion of the line of the company and when restoration of the line was going on the staff struck work 25-5-77 to 14-2-78. After the strike restoration work in respect of the line was restarted. But unfortunately there were two more floods in 1978. This again damaged the line which had been repaired. The company suffered also badly and suffered loss due to rail road competition. The company approached the Central Govt. which appointed a Committee to go into the matter. But nothing came out of it. The rail road competition is still continuing. The actual earning of the company from April 1979 to March 1980 is Rs. 92,056.50. This does not cover 25 per cent of the operational expense. About 250 persons have been employed by the company. Salaiy of the employees has been paid for January 1980. The FIL Rly. is not comparable in any way with the State Railway in respect of operational expenses, number of trains, risk involved and efficiency of workers. Since line was restored company supplied uniforms to some members of the staff. Company is supplying medical benefits and medicines to the members of its staff. These facilities are being supplied since restoration of lines. According to the witness in 1978-79 company spent Rs. 21,099 for staff welfare. In cross-examination the witness however is constrained to admit that he is not in a position to say the nature of work and duties of the members of the staff working in State Railways. He is not aware if the working staff working in Light Railways under State Railways get the same scale of pay as is paid to members of the staff working in broad-gauge line in State Railways. The monthly wages payable to members of the staff including officers of the concerned Rly. will be about Rs. 75,000 per month. For the year 1978-79 a sum of Rs. 6,90,591 have been paid to the members of the staff and Rs. 74,355 have been paid to the officers of FIL Rly. The pay of the General Manager is Rs. 2,300 including his T.A. Basic salary of the witness is Rs. 1,000 p.m. besides that he gets Rs. 180 as H.R.A. per month and Rs. 200 as Compensatory Travelling Allowance. The witness is not in a position to say if the General Manager of State Rly. gets Rs. 2,300 per month. He is also not aware the different scales of pay payable to the different grades of staff of the State Rly. The witness admits that there is no clause in the agreement with the Central Govt. as to be maximum amount they would pay to the company in any event. There is a Govt. representative in the Board of Directors of the company. The evidence of this witness makes it clear that he has absolutely no idea about prevailing state of things in the State Railways and so his evidence is of no assistance to come to a conclusion if the nature of work of the members of the staff of the concerned railway is similar to the nature of work of the employees in State Railways. It is clear from this evidence that the company is paying proportionately more to its officers than what is paid to the staff. In other words the company is having a too heavy administration. The third point which is evident from the evidence of this witness is that under the agreement with the Central Govt. the Central Govt. pay the deficit whatever it is to ensure payments of dividend at the rate of 3-1/2 per cent for meeting operational expenses and other expenses. So if payment is made to the staff as demanded by them, the burden will be

on the Central Govt. and not on the company. It may be in such an event the Govt. may terminate the agreement. But this tribunal is not concerned with such a situation. This Tribunal has to decide if under the existing state of things the claim of the workmen is justified. If it is held that the nature of work of the concerned workmen is comparable with the nature of work of the employees in the State Railways, there is no justification to deny to the concerned workmen the same scale of pay provided for the employees in the State Railways, which scale has been introduced in pursuance to the recommendations of the Second Pay Commission. If as per the decision of the Central Govt. the scale of pay recommended by the Second Pay Commission is fair and reasonable, there is no reason why the same fairness will be denied to the concerned workmen when the nature of their work is comparable to the nature of work performed by the employees in the State Railways. The contention of the company that the concerned workmen are employees in a private industry which is established only to earn profit is of no consideration because an industry should not be permitted to exist if it is not able to pay fair wage to its workmen. That apart I am firmly of the view in the present case that the Central Govt. under an agreement with the company have undertaken to bear the entire loss. This is because the Central Govt. are aware that the railway service carried on by the company is a public utility service and so irrespective of the fact whether the company earns a profit or not the railway services must be continued for public benefit which is a prime consideration that has weighed with the Central Govt. Therefore Govt. under the agreement have reserved their right to take over the railway line at any time they like. But at the same time the Govt. have also protected the interest of the share-holders by agreeing that interest on the share capital at 3-1/2 per cent per annum shall be paid.

MW-2 worked under Chief Personnel Officer upto 30-9-78 and from 1-10-78 he is working as Asstt. Personnel Officer. He is aware of the tripartite agreement dated 17-7-73 entered into between the two Railways and their staff. He denies to have received any letter or resolution from the union terminating the said agreement. According to him if such letter or resolution would have been forwarded by the union it would have first come to the despatcher from whom it would have come to him. He speaks of the staff benefit fund which was maintained by FIL Rly. and ASL Rly. He says that there were two beds for T.B. patients for the staff of Bihar and Bengal Light Railways. These beds were being maintained at Calcutta. There was a Central Committee for the Light Railways in Bengal and Bihar. The Secretary of the Committee was maintaining the beds out of the staff benefit fund. These beds have been withdrawn since 1-1-71 by the Secretary for paucity of fund. Since then the Central Committee has been dissolved. After the dissolution of the Central Committee the Central Benefit Fund is being looked after by another committee consisting of representatives of the Bihar Light Railways and representatives of the management. Exts. M-21, M-22, M-23, M-24 and M-25 are the minutes of the meeting of the Central Committee relating to dissolution of the committee as well as withdrawal of the two beds. Ext. M-27 according to the witness is the present scheme for payment of D.A. to the staff. In cross-examination the witness admits that he is not aware of the scheme for payment of D.A. to the staff of the State Railway which is now in force. He has not calculated the cost to be incurred by the Railways in question if payment is made to the staff in the same scale in which payment is made to the staff of the State Railways. He is not aware of the freight rate as well as passenger fare rate for the two Light Railways in question as well as in the State Railway. He admits Ext. W-6 to be the copy of the agreement between the FIL Rly and Central Govt. He is unable to say if the freight rate as well as passenger fare have been increased by FIL Rly. and Central Govt. He is unable to say if the freight company to support its case relating to the 1st demand of the workmen. His evidence however negatives the case of the union that the company was maintaining a bed for T.B. patients in Calcutta Sanatorium for the benefit of the workers and that the company had withdrawn the two beds. The documents proved by this witness are of unimpeachable character and establishes thoroughly the hollowness of the workers' claim as regards T. B beds in Calcutta Sanatorium. I have no doubt in my mind that the case of the workmen regarding this demand has no legs to stand.

On the side of the union only one witness has been examined. He joined as Ticket Collector in the year 1970 in Futwah-Islampur Light Railway. After passing the Departmental Examination he was promoted to the rank of Asstt. Station Master in the year 1976. He is the General Secretary of Bihar Martin's Light Railway Mazdoor Congress. According to him Rs. 61/- is the minimum basic wage paid to an unskilled worker in the FIL Rly. Corresponding to Rs. 61/- the minimum basic wage in both FIL Rly. and ESL Rly. the scale in the State Rly. is Rs. 196/-. He further deposes that the basic wage for an Asstt. Station Master in both the Railways is Rs. 104/- p.m. whereas the corresponding wage for the Asstt. Station Master in the State Rly. is Rs. 330/-. The duties of workers in both the Railways are covered by statutory provisions, and the same is also the case with the employees under the State Rly. The witness deposes that the Central Govt. have also Light Railways under them and the employees in the Light Railways under Central Govt. are getting same scale of wages applicable to State Railway employees in broad gauge. Operational expenditure for the two Railways in question includes the wages paid to the workers as well as running cost. The Central Govt. compensates the loss for these two railways by giving subsidies. The witness proves Exts. W-3 and W-4, the two letters of Hon'ble Madhu Dandwate, the then Railway Minister, in which the Minister has said that under the agreement the Central Government are to compensate the loss for FIL Rly. by giving subsidies. The witness complains that the wages paid by the company are not sufficient to meet the minimum needs of the workers in these days of high cost of living. Regarding uniforms witness says that company stopped supplying uniforms from 1970. Since then the employees are purchasing uniforms from market out of their own fund. The witness further deposes that from 1975 the company has stopped supplying medicines and other medical benefit to the employees. He however does not press the demand of the union for a Doctor as the old Doctor for two Railways is still continuing. The witness deposes that reservation of two beds for T. B. patients has been stopped by the company since 1971. The witness pleads ignorance of Jeejeebhoy Award, Das Gupta Award, Palit Award and Basu Award and is unable to say what benefits the employees are getting under these awards. The witness admits that a portion of FIL Rly. to the extent of 11 K.M. was washed away by flood in the year 1976 and that there was a strike from 25-5-77 to 8-2-78. The witness cannot say the total monthly revenue of FIL Rly. nor he is able to say whether the present revenue earnings of FIL Rly. covers only 25 per cent of the salary payable to the workmen. He admits that from 1-1-80 there is an increase of Rs. 91/- D.A. for the lowest paid employees of the Railway and the total benefit paid to the lowest paid employees now is Rs. 61.00 basic plus Rs. 154.00 Dearness Allowance. The enhanced D.A. according to the witness has not yet been paid for January, 1980. He denies that the responsibilities of the employees in the Light Railways are lighter than the responsibilities of the employees in the State Railway. Regarding volume of work the witness says that there is no difference. The evidence of this witness to the effect that the nature of work and volume of work in the concerned railway and in the State railway are comparable is not seriously challenged. But the evidence of this witness regarding workmen's claim for a certain sum of money for cost of uniforms and cost of medicine is of no assistance to the workmen. Nothing is said by the witness as to under what basis the workmen claim definite sums of money for uniforms and cost of medicine. As regards the demand for a doctor the witness abandons the claim. Regarding reservation of T. B. Beds at the cost of the company the witness has not proved anything to show that previously company was maintaining beds for T. B. patients. Against this evidence the evidence led by the company on the question of reservation of beds for T. B. patients is more trustworthy being supported by documents.

15. The company to repel the demands of the union for revision of wage structure to put it at par with the wage structure of the workmen of comparable categories in the State Railways mainly relies upon four awards, namely, Jeejeebhoy Award, Das Gupta Award, Palit Award and Basu Award. In the dispute which resulted in Jeejeebhoy award the workmen of FIL Rly. were parties alongwith the workmen of three other Light Railways of Bengal and Bihar. The claim of the workmen in that dispute was whether the re-

commendation of the Central Pay Commission should be applicable in respect of the scale of pay in all categories. While analysing the financial position of all the Railways it has been said in the award that all the four Railways are making fair profit and have been declaring modest dividends every year. My attention has been invited to the following paragraphs in the award which read thus :

"The workmen's contention that all private Railways should pay wages at the same rates as the State Railways is a plea which I am unable to accept. There is a great deal of difference between State Railways and private Railways; private Railways are necessarily run on commercial lines with an eye to profit, while State Railways although endeavouring to pay their way are more concerned with public service; profits on one State Railway can be set off to equalise loss on another which is not possible with these small private Railways. Furthermore the nature of the work on State Railways and on private Railways, and also among private Railways themselves, differs so much that no hard and fast rule is permissible as to what private Railways should pay to its workmen. While there are some prosperous private Railways, there are also Railways which are working at a loss, and this Tribunal has had before it the cases of two light Railways which could not stand a higher wage bill.

I have considered the grievance of the workmen that their basic wage in certain cases falls short of what is being paid by the State Railways. It is contended that at least the minimum starting figure of the grades in the State Railways should be applied to these Railways, and in Ex 34-A the workmen have indicated the categories of which the basic wages out to be increased. But for the reasons which I have already indicated, I do not think I would be justified in applying in every case the minimum basic wage of the various categories of the State Railways. The profits of these four Railways and the dividends which they have been paying all along have been modest and they have not been able to set aside anything substantial by way of reserves; it may well be that the Shahdara-Saharanpur Railway and the Kalighat-Fulta Railway have adopted the scales of the State Railways; but I am told that their financial circumstances are different: added to which is the fact that the Shahdara-Saharanpur Railway is in an area some 900 miles from here, catering to a different locality altogether. I have nothing before me to indicate the financial position of the Kalighat-Fulta Railway; but this Tribunal is unable to ignore the character of the Railway concerned in this Reference and their general financial position I may add that I have gone carefully through the list, Ex 34, and by comparison with State Railway's scales am satisfied that no item of basic wage is so low as to need revision except as hereinbefore stated.

As regards Dearness Allowance it does appear that the D.A. paid to the workmen is somewhat low. The employers have been reasonable on this subject and have offered to increase the D.A. of everybody by a flat rate of Rs. 7. The East Indian Railway pays D.A. (Ex 24) of Rs. 35 for salaries upto Rs. 50, with a sliding scale rising to Rs. 60 for salaries between Rs. 201-250 Kalighat-Fulta Railway pays D.A. according to State Railway Rules. The Shahdara-Saharanpur Railway has adopted the E.I.Rly. scale of D.A. The majority of the workmen on the line are in the grade 1-100; and only 10 persons in all the four Railways draw anything above it (Ex O) 1,622 workmen are in the grade, up to Rs. 50; and 335 in the grade Rs. 51-100; it would, therefore, appear that a flat rate of dearness allowance for these four Railways is not an unreasonable arrangement.

I have given very careful consideration to this question of Dearness Allowance, and in my opinion the dearness allowance of all the line staff including workshop staff (but excluding clerks) who receive Rs. 20 at present should be increased by Rs. 8. The Class IV staff in the office who receive at present Rs. 24 as dearness allowance shall have an increase of Rs. 7 per month; the office clerical and line clerical staff who get dearness allowance of Rs. 30 at present shall receive an increase of Rs. 10 per month. Such advances shall be given as and from 1st April 1949."

At the time when the award was passed the agreement with the Central Government Ext. W-6 was not in existence. At that time FIL Rly. company had entered into an agreement

with Government of India (Railway Board) on 14-9-1913 whereby in consideration of certain benefit it was agreed that all surplus profit earned by the Company after paying interest on the paid-up share capital at the rate of five per cent would be equally divided between the Government and the Company.

16. The aforesaid paragraphs quoted from the Award clearly show that according to the learned Tribunal private Railways are to run on commercial line with an eye to profit while State Rly. although endeavouring to pay their pay are more concerned with public service. Further it appears that under an agreement at that time with the Central Govt. only profit earned by the FIL Rly. after paying interest on the paid-up share capital at the rate of five per cent was to be equally divided between the Government and the company. Under the agreement now subsisting between FIL Rly. and the Central Govt. as appears from the Ext. W-6 and as deposed to by the Company's witness where the company after meeting all expenses including operational expenditure is unable to pay interest paid-up share capital at the rate of 3-1/2 per cent the Central Govt. will pay the deficit in order to enable the company to pay interest on paid up share capital at 3-1/2 per cent. This agreement is completely different from the previous agreement. A reading of the agreement Ext. W-6 will show that the Central Government exercise an overall control over the Light Rly. and therefore have agreed to compensate the loss of the company. The agreement also reserves the right to the Central Govt. to fix passenger fare and freight for goods and number of trains to be run on the line. All these go to show that the main object of the Central Govt. is not to enable the company to earn profit but to maintain the line as a public utility service irrespective of any profit motive. Under the agreement the Govt. have reserved the right to take over the railway line of the company at any time they like. In Ext. W-4 the letter written by Hon'ble Railway Minister it has been clearly stated that the Central Govt. is giving financial assistance to make good the loss of the company and that this is being done keeping in view the interest of the workmen employed and interest of the public. In view of all these it must be held that the background in which Jeejeebhoy award was given has completely changed and no reliance can be placed upon the observations in the award to the effect that it is not possible to pay the employees of FIL Rly. in the same scale in which the employees of the State Railways are paid. W-1 has asserted that there are certain Light Railways under the State Railways. The employees in those Light Railways are paid in the same scale as other employees in the State Railways. There is no denial to this. Even though some of the company's witnesses have said that the responsibilities of the employees in the State Railway are greater than those of the employees of the Light Railways and that risk incurred by the employees for the State Railways is more in comparison to the risk incurred by the employees in the Light Railways, they have completely betrayed their ignorance about the State Railways as revealed in their cross-examination. For these reasons I am constrained to hold that the observations in Jeejeebhoy Award cannot be relied upon to defeat the claim of the workmen in the present case. So far as the other three awards on which reliance is placed by the company I find that in the dispute relating to those awards the employees of FIL Rly. were not parties. True it has been said by company's witness that the effect of some of these awards have been given to the workmen of FIL Rly. Merely because the company chose to give effect to some of these awards in FIL Rly. it cannot be said that all the claims of the workmen have been satisfied and they cannot have any further demand. As a matter of fact after all these three awards, namely, Das Gunta Award, Palit Award and Basu Award, it is admitted by the company that a tripartite agreement (M-6) was entered into on 17-7-1973 for three years modifying previous settlements and schemes. This itself shows that parties to the settlement voluntarily chose to alter the previously existing state of things even though based on some of the awards as claimed by the company. Therefore the three awards namely Das Gunta Award, Palit Award and Basu Award can not stand in the way of the workmen if their demand is otherwise irreconcilable. Under this agreement some changes were introduced in the existing scale of pay and D.A. for the workmen even in spite of the previous awards. That leads to the conclusion that the workmen of FIL Rly. were not satisfied by the awards and hence there was necessity for entering into a fresh agreement for three years.

17. It is next contended on behalf of the company that under the Agreement Ext. M-16 it has been stipulated that during the period of the agreement no fresh demand will be made regarding matters covered by it. According to Sec. 19(2) of the Industrial Disputes Act such settlement is to remain in force not only for three years mentioned in the agreement but shall continue to be binding on the parties until the expiry of two months from the date on which a notice in writing of intention to terminate the settlement is given by one of the parties to the other. It is contended that no such notice terminating the settlement has been given by the workmen. Without giving any notice as required under Sec. 19(2) of the Industrial Disputes Act, a charter of new demand of the union Ext. M-17 dated 18-4-1977 was served upon the company. This charter of new demand does not contain anything to indicate that the workers or their union had passed resolution terminating the settlement. The covering letter Ext. M-18 to the new Charter of demand Ext. M-17 also does not show anything that the previous agreement has been terminated. The said letter is a notice of strike under Sec. 22(1) of the Industrial Disputes Act. So the agreement Ext. M-16 must be deemed to be subsisting and hence a reference during subsistence of a previous agreement is not sustainable. In this connection several decisions of the Supreme Court are relied upon on behalf of the Company to show that a settlement shall be binding for such period as is agreed upon by the parties, that if no such period is agreed upon it shall remain in force, for a period of six months from the date on which the memorandum of settlement is signed by the parties and that such settlement shall continue to be binding on the parties after expiry of two months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the parties to the other. In the decision reported in 1964(II) LLJ.100 (Cochin State Power Light Corporation Ltd. V. Its Workmen) it was observed by Justice Wanchoo as follows :

"There is, however, no form prescribed for terminating settlement under S.19(2) of the Act and all that has to be seen is whether the provisions of S.19(2) are complied with and in substance a notice is given as required thereunder." In the present case the Charter of Demand (Ext. M-17) and the covering letter Ext. M-18 read together would show that they contain all the ingredients of a notice under Sec. 19(2) of the Industrial Disputes Act. From the correspondence and other matters it is very clear that the workmen duly terminated the settlement Ext. M-16. After expiry of three years the settlement as per its terms expired on 16-7-1976 and the Charter of demand is dated 18-4-1977. This was duly received on 19-4-1977 by the Dy. General Manager. One copy of the Charter of demand was also received by General Manager on 21-4-1977. It has been stated by the workmen in the charter of demand and in the covering letter, that the settlement has ceased to be in force. The management's reply to the union clearly shows that the union had terminated the settlement. In the case reported in 1962(I) LLJ 661 (Workmen of Western India Watch Co. Ltd V. The Western India Watch Co. Ltd.) during the pendency of negotiation the union by a letter asked the company to treat the Charter of demand as notice under Sec. 19(2) of the I.D. Act without first terminating the earlier settlement in an award and the company had agreed to refer the matter in dispute to the adjudication of a tribunal. But still the company contended that there was no notice of termination of settlement. This contention was negatived by their Lordship of the Supreme Court on the ground that a formal notice under Sec. 19(2) of the Act is immaterial in as-much-as the presentation of Charter of demand filed by latter amounted to notice of termination of settlement. In the case reported in 1968(I) LLJ. 555 (Bannalore Woollen, Cotton and Silk Mills Company, Ltd. V. Their Workmen) it has been held that no formal notice was given the earlier correspondence, namely the letter of April 8, 1957 written by the union, could itself be construed as notice, within the meaning of Sec. 19(2). The very fact that the workmen while serving a new charter of demand clearly stated that the previous settlement had come to end after expiry of 3 years stipulated therein and that they were presenting a new charter of demand goes to show that the day when the new charter of demand was made was the day when the previous settlement was terminated.

18. The next point urged on behalf of the company is that the very same matter, namely, the claim of the workmen to be paid in the same scale of pay and D.A. admissible to the workmen in the State Railway having been

referred for adjudication and decided in different awards, namely, Jeejeebhoy Award, Das Gupta Award, Palit Award and Basu Award against the workmen and that there having been no change in circumstances since those awards the present claim of the workmen is barred by principle of adjudicada. Law is well settled that even though principles of adjudicada as embodied in Sec. 11 of the Civil Procedure Code do not in terms apply to a case like the present one, the sacred principle that once there has been a valid decision on a matter between the same parties, that very matter cannot be re-agitated in a subsequent proceeding between them applies to all cases. After hearing the learned counsel for the company at length I am not impressed by his contention that the very same claim which was the subject matter of four awards mentioned above is now being raised by the workmen in the present dispute. That apart the present workmen were not parties to the dispute which was adjudicated in Das Gupta Award, Palit Award and Basu Award. The workmen were only party in the dispute adjudicated in Jeejeebhoy Award. As has been already pointed out above at the time when the dispute was referred for arbitration to Mr. Jeejeebhoy the agreement Ext. W-6 on which the workmen now rely was not in existence. The cost of living has risen much above the standard which was prevailing at the time of Jeejeebhoy Award. The main consideration which weighed with the Tribunal was that private Railways are run on commercial basis with profit motive and so they cannot be compared with State Railways which are run for public benefit. But in face of the present agreement Ext. W-6 and the letter of Hon'ble Railway Minister Ext. W-4 it is not possible now to say that private Railways run only on commercial basis and always have an eye on profit. Under the agreement Ext. W-6 which has been rightly explained by the Hon'ble Railway Minister profit has ceased to be main concern of private Railways. Private Railways exist at the sufferance of the Central Government and when the Central Government allow private railways to run the motive which actuates them is to serve the public and not to earn profit. Therefore, even though the present railway concerned is a private railway it must be taken to be functioning for the benefit of the public and the service which the railway is rendering is a public benefit service. The Government of India under the agreement Ext. W-6 have undertaken the responsibility to compensate the company for all losses to be incurred by it as well as to ensure that the share-holders of the company do not suffer. It is admitted by company's witness that the Central Government are compensating the losses till to-day even though a sum of Rs 3,00,000 is outstanding against the Government. Such being the position the present claim of the workmen cannot be denied to them merely because in the previous awards relief claimed by them in different state of circumstances was disallowed. The workmen concerned in the present case are performing within their limited sphere the same job as is being performed by the State railway employees and on equitable principle therefore their wage scale cannot be kept low in comparison to the pay scale of the employees of the State Railway. The witnesses examined on behalf of the company have absolutely no idea about the nature of work performed by the employees of the State Railway. There is positive evidence on the side of the workmen that the nature of work which they perform in the railway concerned is same as the nature of work performed by the employees in the State Railway. The law is now well settled that an industry which is unable to pay minimum wage to its workmen has no right to exist. No industry now-a-days can be allowed to exist with under fed and under clothed staff. An industry which is not capable of providing minimum wages to enable its workmen to live a comfortable life at a certain level cannot be allowed to function. An employer in respect of an industry cannot be heard to say that he will not pay minimum wage for the workmen because the industry is running at a loss and is making no profit. Therefore profit and no profit, the accepted position is minimum wage scale must be assured to the workmen. The Second Pay Commission after taking into consideration the then existing cost of living has recommended the wage structure for the state railway employees and the same recommendations have been accepted by the Central Government. Therefore the wage structure prevailing in the State Railway must be held to be the wage structure which to be assured for workmen working in other railways not owned by the State. It is an admitted position that even two of the private railways, namely, Shahdara-Saharanpur Railway and Kalighat-Ealta have adopted the scale of pay for the employees of the State Railway. By no stretch of

imagination it can be said that the nature of work performed by the workmen in these two railways is materially different from the nature of the work performed by the workmen concerned in the case. So from all points of view I am of the opinion that the claim of the workmen in item No. 1 of the schedule to the reference is justified and that they are entitled to a revision of their wage structure in the pattern in which it is prevailing amongst employees in the State

Railway. Mr. B. Joshi learned counsel for the workmen has submitted a Chart along with his written note which is in the record showing the difference in pay scale and D.A. prevailing in the private Rly. concerned and the State Railway. A copy of the Chart has been served on the learned counsel for other side and no objection has been filed regarding the correctness of the Chart. So I accept the chart as correct. The chart is quoted here below :

Category.	Pay and D.A. in		Pay and D.A. in State Rly. Rs.
	FIL Rly.	Rs.	
1. Unskilled.	61+154=215		166+70.60+66.30 = 332.90.
2. Semi skil d.	72+154=226.		210+75.60+70.30 = 355.90
3. Skilled.	72+154=257.		260+93.60+87.10 = 440.70.
4. Highly Skilled	114+164=278.		330+108.00+101.50=539.50.
5. Driver.	98+15=252.		330+108.00+101.50=539.50.
6. Firemen	72+154=226.		225+81.00+75.40 = 381.40.
7. Steam man	66.50+154=220.50.		210+75.60+70.30 = 355.90.
8. Work Serkar	114+164=278.		330+108.00+101.50=539.50.
9. Guard	98+154=252.		335+108.00+102.00=545.04.
10. T.T.E.	83+154=237.		330+108+101.50 = 539.50.
11. B.C.	83+154=237.		260+93.60+87.10 = 440.70.
12. S.M.	115+164=279.		425+113.40+113.10=651.
13. A.S.M.	104+154=258.		330+108.00+101.50=539.50.
14. T.C.	78+154=232.		260+93.60+87.10 = 440.70
15. Point Mazdur	72+154=226.		210+75.60+70.30 = 355.90.
16. Mate	72+154=226.		225+81.00+75.40 = 381.40.
17. Clerk	114+164=278.		260+93.60+87.10 = 440.70.

The chart shows that there is wide difference between the scale of pay and D.A. now prevalent in the private railway concerned and the scale in force in the state railways as per recommendation of Second Pay Commission. There is no ground to deny the workmen concerned the scale in force in State railway when Central Govt. are compensating the loss as per Ext. W-6. For the reasons given by me above I hold that the scale of pay and D.A. as given in the aforesaid chart for the employees in the State railway for different categories of workers have to be paid to the similar categories of workers in FIL Rly. from the date the award comes into force. This disposes of the claim in item No. 1 of the Schedule to the reference.

19. Now coming to the claim of the workmen in item No. 2 of the schedule to the reference, it has already noticed that this claim is divided into four parts, namely, (a) supply of uniforms, (b) supply of medicines to the dispensary for the benefit of the workmen, (c) appointment of a doctor for looking after the dispensary run for the benefit of the workers, and (d) reintroduction of the system of reservation of T.B. Beds in Calcutta Sanatorium.

Regarding claim (a) it is not disputed on either side that under the Martins Light Railways Service Regulations some categories of employees are entitled to supply of uniforms by the company. The case of the company is that on account of financial stringency it has not been possible for it to supply uniforms since 1970. The case of the workmen is that use of uniform is very essential for identification. So when the company failed to supply uniforms they had to provide themselves with uniforms purchased out of their own fund. On this account they claim a certain amount from the company. The evidence led on behalf of the workmen is very unsatisfactory on this point. I am not convinced with the little evidence that had been led to come to a conclusion that the workmen concerned had spent from their own pocket to provide themselves with uniforms. So they are not entitled to recover the sum as claimed by them. But since uniforms are essential and there is provision for supply of uniforms in the Service Regulations the company cannot escape this liability though evidence has been led that since company was unable to supply uniforms it had relaxed the rules for use of uniform for its employees. Whatever that may be so far as the position stands the company has to provide uniforms as mentioned in its Service Regulation to the employees. The claim on this head, therefore, is allowed to the extent that from the date this award comes into force the company is to provide uniforms as per its Service Regulations.

Regarding claim (b) in item No. 2, namely, supply of medicines to the dispensary for the benefit of the workmen, the evidence led on either side is balanced. Company's witness have asserted that the medicines which were used to be supplied for the benefit of the workmen before are still being supplied whereas the single witness for the workmen has been claimed by the workmen on this account. There is no cogent evidence to support the claim for recovery of a definite amount. I, therefore, hold that the company is supplying medicines which it was supplying before for the benefit of the workmen and it shall continue to do so for the future.

Regarding appointment of a doctor the evidence led on behalf of the workmen shows that the workmen have abandoned this claim. Therefore according to me there is no dispute on this point.

Regarding reintroduction of the system of reservation of T.B. Beds in Calcutta Sanatorium for the workmen the company comes forward with a case supported by reliable evidence that it had never reserved T.B. Bed in any hospital for the workmen. According to the evidence some beds had been reserved by the Staff Benefit Fund which was not being managed by the company. This fund was being managed by a committee. Resolutions have been produced on the side of the company to show that the Staff Benefit Fund had discontinued the reservation of T.B. Beds on account of paucity of funds. On the side of the workmen nothing has been shown that as a matter of fact the company at its own cost had reserved T.B. Beds for the workmen in Calcutta Sanatorium. There is nothing to disbelieve the company's witness which is supported by documentary evidence. I, therefore, hold that the claim of the workmen regarding reintroduction of the system of reservation of T.B. Beds in Calcutta Sanatorium is not justified.

20. The reference is answered accordingly. There will be no order for costs.

B. K. RAY, Presiding Officer

[No. L-41011(2)/77-D.II(B)]

S. S. BHALLA, Desk Officer

New Delhi, the 4th October, 1980

S.O. 2768—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employees in relation to the management of Cantonment Board, Ambala and their workmen, which was received by the Central Government on the 2nd August, 1980.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI
I. D. No. 14 of 1979

In re :

The President, Cantonment Board Worker's Union, Kali Bari, Sadar Bazar, Ambala Cantt. . . Petitioner.

Versus

The Executive Officer, Cantonment Board, Ambala Cantt. . . Respondent.

AWARD

The Central Government as appropriate Government vide its order No. L-13012(4)/77-D.II(B), dated the 27th January, 1978 referred an Industrial Dispute u/s 10 of the I.D. Act, 1947 to this Tribunal for adjudication in the following terms:

1. Whether the action of the management of the Cantonment Board, Ambala in terminating the services of Shri J. D. Bakshi, Pump Driver, is justified? If not, to what relief is the said Shri Bakshi entitled?
2. Whether the action of the management of the Cantonment Board, Ambala in transferring Shri Sadhu Ram, Tax Collector Grade II, Shri Kandhai Ram, Mali, and Shri Ram Milan, Peon, to the Notified Area Committee, Ambala justified? If not, to what relief are these workmen entitled?
2. Upon receipt of the reference it was ordered to be registered and usual notices were sent to the parties and a statement of claim was filed on behalf of the workman. Thereafter a written statement was filed by the Management and finally a replication was filed. Upon the pleadings of the parties following issues were framed vide my order dated the 7th July, 1978 :

 1. Whether the Ambala Cantonment Board is an Industry?
 2. Whether Shri J. D. Bakshi is estopped from raising the dispute on the grounds alleged?
 3. As in order of reference (1).
 4. As in order of reference (2).
 3. The representative of the workmen vide his statement 15th March, 1979 abandoned the claim of the workman Kandhai Ram and Ram Milan and his statement was recorded in the following terms :

'Statement of Shri Rajeshwar Nath on S.A. The workmen Shri Ram Milan and Kandhai do not contest the transfer and as such a no dispute award qua them be made while disposing of the reference'.

The contention of the workman side is that the Government of India decided to excise certain civil areas from the Cantonment Board, Ambala which was transferred to the newly created notified Area Committee, Ambala Sadar and in consequence services of a large number of employees were transferred to the notified area committee, Ambala Sadar; that before such actual transfer of services discussions were held on 21st January, 1977 between the representatives of the employees and the Jt. Secretary, Ministry of Defence, Government of India in which it was decided that the principle of 'First come last go' shall be observed while retaining

the services of the employee in the service of the Cantonment Board, Ambala and that the strength of the staff to be transferred would be determined proportionately or on the basis of the actual requirement; that the transfer of Shri J. D. Bakshi and Shri Sadhu Ram to the Notified Area Committee was in violation of above principles because Shri J. D. Bakshi was the senior pump driver and as such his services ought to have been retained and because Shri Sadhu Ram was senior to Amar Nath Ahluwalia who was actually retained and hence it is claimed that Shri J. D. Bakshi be reinstated with continuity of service and on the same terms and conditions with full back wages and that Shri Sadhu Ram be taken back by the Cantonment Board, Ambala with continuity of service and payment of difference of wages.

4. In reply it is contended by the Management that certainly certain areas of Cantonment Board, Ambala were excised and transferred to Notified Area Committee but it is contended that the transfer was effected under Section 7(1) of the Cantonment Act, 1924 and therefore it enabled the Cantonment Board to transfer such employees as it chose to the newly created local authority and it was in pursuance thereof that Shri J. D. Bakshi and Shri Sadhu Ram were transferred and in as much as Shri J. D. Bakshi did not report for duty to the new place his services were terminated. Regarding transfer of Shri Sadhu Ram it is said that his transfer is valid and he is not entitled to any relief. It may be mentioned here that the discussions referred to in para 'D' of page 1 of the statement of claim are not denied but reliance is placed upon the powers vested in the Cantonment Board under 7(1) of the Cantonment Act, 1924 and it is urged that the transfer were valid. In the additional plea it is urged that the activity carried on by Cantonment Board was not an Industry and that Shri J. D. Bakshi was estopped from challenging his discharge from the service of the Board as he had accepted the benefits under the rules.

5. I have gone through the evidence produced by the parties and have heard their representatives at length and after giving my considered thought to the matter before me I have come to the following findings upon issues above.

6. Issue No. 1.

This issue has not been pressed on behalf of the Management. Even otherwise it is difficult to say that the Cantonment Board is not an Industry within the meaning of term as defined in section 2 of the I.D. Act, 1947. Reference in this behalf may be made to 1978-LIC-467 Bangalore Water Supply Corporation Casz. It is conceded by the learned counsel for Management that Tubes wells were registered under the Factories Act and therefore also it would be difficult to say that Shri J. D. Bakshi is not a workman employed in an Industry. In view thereof this issue is decided in favour of the workman and against the Management.

7. Issue No. 2 :

The contention of the Management is that Shri J. D. Bakshi has accepted payment which was due to him in consequence of such a discharge from service and hence he is estopped from challenging his discharge. The learned counsel for the Management has not been able to draw my attention to any provisions of law which enable me to raise such a presumption of estoppel against the workman, Shri J. D. Bakshi. Even otherwise it would be difficult to say that were acceptance of payment of certain moneys would be itself be enough to estop Shri J. D. Bakshi from challenging the validity of his discharge and termination of his services. Reliance has been placed upon rule 8(1)(c) of the Cantonment Fund Servants Rule, 1937 in this behalf but there is nothing in the said rule which estops the workman from challenging his discharge after acceptance of payment mentioned therein. There is nothing in the Industrial Disputes Act which estops the workman from raising the present dispute regarding his discharge and termination of his service. Even otherwise the principle of estoppel has understood in civil law cannot be made applicable in industrial adjudication for obvious reasons, where the entire basis of relationship between employer and employee has come to rest upon collective bargaining. It is for that reason that strict principles of civil law have never been applied to industrial adjudication. In view of my discussions above, this issue is also decided against the Management and in favour of the workman.

8. Issue No. 3 :

Shri J. D. Bakshi has appeared himself as W.W.1 and tendered his affidavit Ex. W/1 apart from documents Ex. W/2 to Ex. W/6 in support of his contention. It is urged on his behalf that there were 15 tubewells of which 14 were transferred and the tubewell of R.H.A. Bazar was retained by Cantonment Board. However this admission during cross examination by the workman does not adversely effect his case, since according to the very cross examination conducted by the 1st. counsel for the Management upon Shri J. D. Bakshi two pump attendants were retained by the Board for its use. In order to meet emergencies in case of failure of electricity these tubewells were run by diesel engines operated by pump drivers and in so far as Shri Bakshi was the senior most pump driver his services should have been retained by the Cantonment Board since it did retain one tubewell. It is specifically stated by this workman in his statement of claim and also his statement in affidavit that the tubewell which was retained had diesel engine. Since Factual position is what is stated by this workman, there is no reason why the services of at least pump driver were not retained and if it was so the senior most Shri J. D. Bakshi essentially was entitled to be retained. Mere fact that it was decided by the Management not to retain any pump driver and rather retain the services of two pump attendants would not adversely effect the right of Shri J. D. Bakshi to be retained by the Board and if Shri Bakshi was not prepared to be transferred to the Notified Area Committee, Ambala Sadar it was not open to the Management of Cantonment Board, Ambala Cantt. to transfer his services against his wishes. The Management has examined Shri Jagannath as M.W.1 but his statement does not help the Management much likewise the statement of M.W.2 Shri Shiv Dutt is related only to certain payments alleged to have been made to Shri J. D. Bakshi and therefore on the question of fact the situation remains what is stated by Shri J. D. Bakshi in his affidavit.

9. Reference at this stage may be made to Ex. W/4 and Ex. W/5. Ex. W/4 is the forwarding letter of the record of discussions of meeting held on 21st January, 1977 between the representatives of All India Cantonment Board Employees Federation and the Joint Secretary to the Govt. of India Ministry of Defence copy whereof is Ex. W/5. From the perusal of this Ex. W/5 it is established that except wherever a particular function was transferred into the principle of last come first go was to be observed and further that the number of employees to be transferred was to be determined proportionately or on the basis of actual requirement and the employees were to be given an option. It is categorically stated by Shri J. D. Bakshi in his affidavit Ex. W/1 that he was the senior most and that the tubewell retained was one which had a diesel engine with it and consequently it followed that a pump driver was essentially to be retained and it is no gain saying on behalf of the Management that all pump drivers were transferred. So long as one tubewell with diesel engine was retained one pump driver had to be essentially retained and that he would have obviously to be Shri J. D. Bakshi being the senior most. It may be mentioned here that a seniority list has been filed on behalf of the Management and the same is Ex. M/1 and from the perusal thereof it is confirmed that Shri J. D. Bakshi is the senior most pump driver. In view of my discussions above, I hold that the transfer of Shri J. D. Bakshi to the Notified Area Committee, Ambala City was not justified and was in violation of the agreement arrived at discussion held on 21st January, 1977 copy whereof is Ex. W/5 and as such he was justified in not reporting for duty to Notified Area Committee, Ambala and in consequence it would follow that the Cantonment Board was not justified in terminating the services of Shri J. D. Bakshi, Pump Driver and hence the action of the Management of Cantonment Board, Ambala in terminating the services of Shri J. D. Bakshi Pump Driver is declared illegal and not justified and Shri Bakshi is entitled to reinstatement in service as pump driver with Cantonment Board, Ambala with full back wages and consequent benefits flowing therefrom. It may be mentioned here that the discharge of Shri J. D. Bakshi from the service in fact tantamount to retrenchment within the meaning of Section 2(10) of the ID Act, 1947 and as such is hit by the provisions of Section 25-F of ID Act. Section 25(FF) or Section 25(FFF) are not attracted in as much as this is neither a case of transfer of undertaking nor a case of closing down of an undertaking

and as such consequent transferred discharge are invalid. Accordingly it is awarded that the action of the Management of Cantonment Board, Ambala in terminating the services of Shri J. D. Bakshi, Pump Driver is not justified and he is reinstated in service with full back wages and benefits as Pump Driver. This issue is decided accordingly.

10. Issue No. 4 :

I have already referred to Ex. W/4 and Ex. W/5. From the perusal of seniority list Ex. M/1 it cannot be said that Shri Sadhu Ram was senior to Shri Amar Nath Walia. Name of Shri Amar Nath Walia finds place at sl. no. 6 while that of Shri Sadhu Ram at serial no. 8 of list of tax collector grade II and as such it cannot be said that the transfer of Shri Sadhu Ram was in violation of Ex. W/5. There is nothing on record to suggest that this seniority list Ex. M/1 is not correct. Mere oral statement by Shri Sadhu Ram would be of no avail in this context and accordingly this issue is decided against the workman and in favour of the Management.

11. In view of my discussions and findings above, it is awarded that the action of the Management of Cantonment Board Ambala in terminating the services of Shri J. D. Bakshi, Pump Driver is not justified and he is accordingly reinstated with full back wages as Pump Driver, Cantonment Board, Ambala and it is further awarded that the action of the Management of Cantonment Board, Ambala in transferring Shri Sadhu Ram, Kandhai Ram and Shri Ram Milan to the Notified Area Committee Ambala and these three workmen are not entitled to any relief. In view of partial success of the workmen they would be entitled to the costs of these proceedings which are assessed at Rs. 250.

Further Ordered :

That requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

MAHESH CHANDRA, Presiding Officer

[No. L-13012(4)/77-D.II(B)]

S. S. BHALLA, Desk Officer

Dated : the 15th July, 1980

New Delhi, the 24th September, 1980

S.O. 2769.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Bhowra South Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhowra, District Dhanbad and their workmen, which was received by the Central Government on the 17th September, 1980.

BEFORE SHRI P. RAMAKRISHNA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD.

Reference No. 6 of 1979

PARTIES :

Employers in relation to the management of Bhowra South Colliery of M/s. Bharat Coking Coal Ltd., P.O. Bhowra, Dist. Dhanbad.

AND

Their workmen.

APPARANCES :

For the Employers—Sri B. Joshi, Advocate.

For the Workmen—Sri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

INDUSTRY : Coal

STATE : Bihar

Dated, the 8th September, 1980

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication by their Order No. L-20012/84/79-DII(A) dated the 22nd September, 1979.

SCHEDULE

“Whether the action of the management of Bhowra South Colliery, M/s. Bharat Coking Coal Ltd., P.O. Bhowra, Dist. Lhanbad in reducing the wages of Sarvashri Ramjee Bhuiya, Baldeo Bhuiya, Balchand Bhuiya, Shyam Bhuiya, Jhandu Bhuiya, Puni Bhuiya and Yogeshwar Bhuiya, Ghanimen of Beehive Coke Oven from Rs. 11.36 to Rs. 10.40 per day with effect from the 26th October, 1976 is justified? If not, to what relief are the said workmen entitled?

2. The case of the 7 workmen herein as can be gathered from the statement of claim filed on their behalf by the Bihar Colliery Kamgar Union is that without following the procedure prescribed U/s 9-A of the Industrial Disputes Act, the management of Bhowra South Colliery of M/s. Bharat Coking Coal Ltd., reduced their wages from Rs. 11.36 paise per day to Rs. 10.40 paise basic per day with effect from 26-10-76. They submit that the action of the management being illegal they are entitled to the payment of difference in wages with effect from 26-10-76 together with the costs of this proceeding.

3. The management in their written statement submitted that the concerned workmen were engaged as Ghanimen in Bhowra South Colliery Beehive Coke Oven Plant on a basic pay of Rs. 11.36 per day. The job of a Ghaniman is a piece-rated one. The coke oven plant went out of order and therefore had to be closed in October '75. The workmen engaged in the coke oven plant Bhatta were provided with suitable alternate jobs. All the workmen other than the ones concerned in this dispute accepted the alternate jobs. The concerned workmen demanded time-rated jobs. The management sympathetically considered their demand and put them on Category II time-rated jobs carrying a basic daily wage of Rs. 10.40 paise. The management says they could not give the concerned workmen time-rated jobs in any higher categories because they were not found suitable for the same. Since the workmen were put on Category II jobs involving light work at their own request, they cannot demand higher wages attached to more onerous jobs. It is also contended that the present dispute is raised at a belated stage. Though the management offered the workmen Group III jobs like wagon loaders at the time of conciliation, they declined to accept the same. They submit that the offer to post the concerned workmen as wagon loaders is still open.

4. The management in their rejoinder to the workmen's claim statement reiterated the stand taken by them in their written statement.

5. The workmen in their rejoinder denied having ever requested the management to provide them with time-rated jobs.

They deny having voluntarily accepted the time-rated jobs in Category II carrying a lesser wage. The rest of the rejoinder is a denial of the averments made in the management's written statement.

6. On the above pleadings the issues that arise for consideration are—

(1) Whether the action of the management in placing the concerned workmen in Cat. II time-rated job carrying a lower wage is justified?

(2) To what relief?

7. Issue (1)—Admittedly the Beehive Coke Oven Plant was closed in October, 1975 as it went out of order. The

concerned workmen 7 in number were all engaged as Ghanimen in the said Bhatta till the date of its closure. From the date of closure till 25-10-76 the concerned workmen along with the other employees in the Bhatta were given alternate jobs carrying the same wages as before. From 26-10-76 the 7 workmen herein were given time-rated jobs in Category II carrying a lower wage of Rs. 10.40 paise per day basic. It is not disputed that for this action of the management the procedure prescribed U/s. 9-A of the Industrial Disputes Act should have been followed. The only contention of the management is that since the concerned workmen were given time-rated jobs in Category II as per their specific oral request, they are estopped from raising the plea of want of notice. The workmen deny ever having approached the management with a request to be put on time-rated jobs. If the case of the management that at the workmen's request they were put on time-rated jobs in Category II is disbelieved Sri Joshi for the management submits that the claim of the workmen has to be upheld. In support of their case the management has examined MW-1 the then Personal Officer of Bhowra South Colliery. He deposed that as per the direction of the Head Office the working of the coke oven plant was stopped with effect from October '75. After the closure of the Bhatta till October '76 the concerned workmen continued to receive the same wages as before in Group III. They were given the work of stackers, wagon loaders, sleeper carriers etc. After the exhaustion of the entire stock of hard coke at the site of the Bhatta the concerned workmen and others were transferred to different sidings of the same colliery as wagon loaders to protect their earlier wage. The job of wagon loader is said to be similar to that of a Ghaniman. The concerned workmen did not accept this alternate job in the same group. According to him they insisted upon being provided with time-rated jobs. With the permission of the Area Officer the concerned workmen were put in Category II jobs and paid wages in that category as per the provisions of National Coal Wage Agreement (I). The witness adds that time-rated jobs in Categories II & III were available at that time. He says that the concerned workmen accepted the Category II jobs provided to them without a protest and worked in that capacity till the middle of October 1978. He was asked in his cross-examination if the job of a Ghaniman and that of a Wagon Loader both in Group III were not entirely different. He did not agree with that suggestion. He was also confronted with Ext. W-1 a photostat copy of a notice issued U/s. 9-A by the management on 7-5-80 to some Wagon Loaders before transferring them as Ghaniman. He stated that in his view that such a notice U/s 9-A was not mandatory. He denied the suggestion that the workmen never approached him with a request for time-rated jobs. MW-2 has been working as Bhatta Incharge since January or February '76. He claims that the concerned workmen worked under him during the relevant period. He says that after the closure of the Bhatta in October '75 the concerned workmen along with others were given alternate jobs like wagon loading, stacking, soft coke manufacturing, sleeper carrying, store materials carrying etc. The concerned workmen having accepted those jobs till October '76 demanded time-rated jobs. He claims to have told the concerned workmen if they were to be posted on time-rated jobs they would be paid wages according to the category of the time-rated job in which they were placed. In his cross-examination he stated that before his promotion as a Bhatta Incharge he was a Coke Oven Supervisor. Before him one Sri Nayan Sarkar was the Coke Oven Incharge. On behalf of the workmen one of them Yogeshwar Bhuiya is examined as WW-1 to say that without reference to them they were allotted Category II jobs with effect from 26-10-76. He says that for six months after the closure of the Bhatta all the 18 Ghanimen working there including the concerned workmen were given the job of Tyndel. Thereafter the management asked the concerned workmen to take up jobs in different categories like Line Mazdoos, Mason Mazdoos and Workshop Mazdoos. He says that till to-day himself and Puni Bhuiya and Balchand Bhuiya have not yet been given the job of Ghaniman. He is still working as a Line Mazdoor. Puni Bhuiya as Mason Mazdoor and Balchand Bhuiya as Workshop Mazdoor. The other four concerned workmen according to him have been taken back on their former job of Ghanimen after the coke oven plant was re-started. He denies ever having approached the management for being given a time-rated job. He says he or the other concerned workmen never agreed to accept time-rated jobs in Category II. According to him even the 4 concerned workmen that have been taken back as Ghanimen are still being paid wages in Category II. He

files Ext. W-2 purporting to be an office copy of a letter of protest dated 6-2-77 submitted by him and the other concerned workmen to the management against their being provided with jobs in Category II. He says that Ext. W-2 bears the initial of the Receiving Clerk in the Personnel Department to whom it was addressed. This letter is filed to counter the management's case that without protest the concerned workmen worked in Category II jobs till the middle of 1978.

8. On the above evidence it has to be seen if the case of the management that with the express consent and at the special request of the concerned workmen they were given jobs in Category II is correct. I am not prepared to give a finding on this question in management's favour on the basis of oral evidence taking alone. The concerned officers of the management should have asked the workmen concerned to submit their request in writing before taking any action on their oral pleas. In the absence of such documentary proof, I do not consider it safe to hold this issue in management's favour on the strength of the evidence of MWs-1 & 2. The management contends that since the workmen worked in Category II jobs on a lower wage without a protest till the middle of 1978 their consent should be presumed. It is further submitted that the office copy of the letter Ext. W-2 is a fabricated document. No reference to this document has been made in the written statement of claim or in the rejoinder. This document has not been filed along with the statement of claim or the rejoinder. For the first time it has been filed into Court on 2-4-80. No request is made to send for the original of the document. The person that is supposed to have received the original of Ext. W-2 is not examined. In the circumstances the contention of the management that Ext. W-2 is a fabricated document cannot be rejected. Still I do not consider it safe to accept the management's case in the absence of some documentary evidence showing that at the express request of the workmen they were given Category II jobs. Hence issue (1) held against the management.

9. Issue (2)—From the evidence of MW-1 it appears that the Coke Oven Plant though reopened in April 1980, went into production only from June-July 1980 and that the concerned workmen are being offered their original jobs in this plant from August, 1980. MW-1 says that among the concerned workmen only he, Purn Bhuiya and Balchand Bhuiya are not yet offered the job of Ghanimen while the other 4 have been taken back. He complaints that the 4 concerned workmen taken back as Ghanimen are still receiving wages in Category II. I hold that the concerned workmen's daily basic wage of Rs. 11.36 paise should be protected with effect from 26-10-76 till they are posted back on their original post as Ghanimen in the Bhatta or its equivalent. They are entitled to the difference in wages for this period. I further hold that all the concerned workmen should be posted back as Ghanimen within 30 days from the date of publication of this award.

10. In the result this Reference is answered as follows: The action of the management in posting the concerned workmen in Category II post carrying a lower wage with effect from 26-10-75 is not justified. The management is directed to pay the concerned workmen the difference in wages due to them till such time as they are posted back to their original job in this Coke Oven Plant or its equivalent. The management is further directed to post all the concerned workmen on their original jobs viz. as Ghanimen in the Coke Oven Plant within 30 days from the date of the publication of this Award.

P. RAMAKRISHNA, Presiding Officer.
[No. L-20012/84/79 D IV/AN]

.. S.O. 2770.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Ganhoodih Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 15th September, 1980.

BEFORE SHRI J. P. SINGH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

(NO. 2) DHANBAD

Reference No. 109 0 1979

In the matter of an industrial dispute under S. 10(1)(d) of
the ID. Act, 1947

PARTIES :

Employers in relation to the management of Ganhoodih Colliery of Messrs Bharat Coking Coal Limited, Post Office, Jharia, District Dhanbad.

AND

Their workmen.

APPEARANCES:

On behalf of the employers.—Shri B. Joshi, Advocate.

On behalf of the workmen.—Shri B. K. Ghosh, Member of the Executive Committee, Janta Mazdoor Sangh, Dhanbad.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, 6th September, 1980

AWARD

This is a reference under Section 10 of the Industrial Disputes Act, 1947. The Central Government by its notification No. I-20012/138/78-D.III(A) dated 30th August, 1979 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDULE

“Whether the action of the management of Ganhoodih Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad in terminating the services of Shri Jiblal Mahto, Overburden Removal Worker with effect from 23-12-76 is justified ? If not, to what relief is the said workman entitled ?”

2. Shri Jiblal Mahto the concerned workman was first appointed as overburden remover on 21-1-74 while he was aged 46 years. He would have normally retired on completion of 60 years. The management of Ganhoodih Colliery, where he was working, found him old, infirm and unable to perform his duty as overburden remover. Since he has not attained the age of 60 years the management sent him to medical board for his medical examination and determination of his physical fitness for the job he was doing. The medical board after detailed medical examination submitted its report on 12-10-76 declaring Shri Jiblal Mahto unfit to perform his duties due to over age. The management terminated his services on account of his unsuitability for the job on medical ground.

3. According to the concerned workman there was no reason for the management to direct him to appear before the medical board for ascertainment of his age. It was stated that the Bharat Coking Coal Limited had made it a policy to reduce the manpower by fabricating some ground during emergency period, and with this pre-determination they directed him to appear before the medical board. Since his services were terminated w.e.f. 23-12-76 he has demanded reinstatement with full back wages with effect from that date.

4. The management took the plea in the written statement that there was a meeting between the management and the union on 22-5-78 at Karmik Bhawan, the headquarters of BCCL in which the review case of Shri Jiblal Mahto and Smt. Sundarin Gope were taken up and an agreement was arrived at. As per that agreement the union agreed to send these two workmen to the medical board constituted by the management for detailed examination of the workmen. Accordingly the management directed the above workmen by various letters to appear before the medical board for their re-examination. Smt. Sundarin Gope appeared before the medical board and on the basis of the report of the medical board she was reinstated and allowed to resume her duties. But Shri Jiblal Mahto did not appear before the medical board without any justification and hence he lost the chance of getting his case reviewed by the management. For this reason it has been stated that Shri Jiblal Mahto accepted his termination on medical ground that he was incapable of performing his duty and so there could be no industrial dispute.

5. In this case the management has taken the plea in the written statement that the services of the concerned workman was terminated not on account of superannuation on attaining the age of 60 years although the medical opinion was that he had crossed that age. The simple case of the management is that he was found not fit to carry out arduous job of overburden remover. According to the management the job of overburden remover is very hard and due to the declining health of the concerned workman it was risky for him to continue in the job and also risky for others to work with him. We have therefore to see in this case as to what is the medical opinion is with regard to his health.

6. So far as the concerned workman is concerned, certain documents were called for by him from the management including Form B register, Ext. M-3. At page 61, Sl. No. 153 we find the name of Shri Jiblal Mahto Son of Jagro Mahto aged 46 years and the date of first appointment noted as 21-1-74. Obviously, on the date of termination of service he had not attained the age of 60 years, but the medical examination board report held on 12-10-76 shows that Shri Jiblal Mahto was aged about 62 years. It appears that the management terminated the service of the concerned workman on 22-12-76 acting on the medical report dated 12-10-76 (Ext. M 2). The medical board held on 24-9-79 was by virtue of the union of the concerned workman trying to secure justice for the concerned workman. Now if the report, Ext. M 2 dated 12-10-76 is believed, he had already attained the age of 60 years on that date. The second report is about 3 years after and he would be on 24-9-79 aged about 65 years. But the report only says that he was above 60 years. This aspect of the medical report with regard to his age is merely by guess and not a scientific assessment. The two doctors have been examined and have given no indication for assessment of his age and apparently the physical appearance led them to believe both the times that he was above the age of 60 years. Ext. M 3 the Form B register has to be treated as evidence of accepted age which shows that on 21-1-74 he was aged 46 years and so his retirement could not be done before 21-1-88. This appears to be the reason why instead of retiring the concerned workman, the management has taken the plea that his service was terminated due to inability on the part of the concerned workman to perform his job. We shall presently go into the question as to whether his physical condition demanded termination of his service.

7. The medical report, Ext. M 2 dated 12-10-76 shows that his general health was moderate and all the vital organs, i.e. chest, heart, lung, liver, kidney were functioning normal. His vision was also normal. The general assessment was that he was unfit for work due to over age. 3 years after we have another opinion as covered by Ext. M 1. This report shows that his heart, lung, liver kidneys and other system were normal. Even vision was normal. The general health was said to be moderate. The remarks shows that he was not fit for job due to over age. Thus it will appear that in both the reports all his organs were functioning normally including his vision and his general health was moderate. The two doctors examined in respect of these two reports have added nothing to these reports to give us a fair idea as to how the concerned workman was found to be unfit for the performance of his duties as overburden remover. They have referred to the blood pressure being on the higher side and pulse rate also. But MW. 2 has said that the concerned workman was bound to be a little nervous before the medical board due to fear of losing his job and livelihood which could account for a little rise in the blood pressure. At any rate these two factors that his pressure was on higher side and his pulse rate too, are temporary physical conditions amenable to medical treatment. I do not agree that these two physical conditions could account for removing him from service. It has been pointed out to me on behalf of the concerned workman that the medical opinion was prejudiced on account of the policy of the management to chuck out undesirable elements from the job of the colliery during emergency period. The medical report, Ext. M 1 shows that as many as 38 persons were placed before the medical board. This could be said to be a mass examination obviously intended for a particular purpose. Be that as it may it appears that the management was more concerned with the determination of age of the concerned workman instead of assessing his physical condition. As I have said there was nothing wrong in his system and the management

merely acted on the medical report that he was above the age of 60 years. I may mention in this connection that the management has failed to show the declining physical condition of the concerned workman resulting in inefficiency of work. There is no history of illness of the concerned workman. There is no report from the manager of the colliery that the concerned workman was not able to perform his duties assigned to him, so neither from the medical report nor from the work report it has been established that the concerned workman was physically weak and was found to be inefficient in his work.

8. It has been contended in the written statement of the management that the case of the concerned workman is open for the simple reason that there was an agreement between the management and the union of the concerned workman that he would appear before the medical board. A date is said to have been fixed for his medical examination and the concerned workman was informed of the same. But he did not appear before the medical board. What he intended to be said is that if he had appeared before the medical board, there was a chance that he would have been found fit and consequently reinstated. But since he did not appear before the medical board it has to be taken as conceded that he accepted the order of termination of his service. I may say that the management has not shown through any paper that there was an agreement between the union and the management to this effect. There is nothing to indicate that the concerned workman was asked to appear before the medical board in pursuance of such an agreement. But even if the contention be true, it cannot bind the concerned workman nor take away his right to show before this Tribunal that his service was unjustly terminated. Therefore, this aspect of the case is not a major weapon in the armory of the management.

9. The result is that the action of the management of Goonhodih colliery of Messrs Bhart Coking Coal Limited, Post Office Jharia, District Dhanbad in terminating the services of Shri Jiblal Mahto, Overburden Removal worker with effect from 23-12-76 is not justified. Consequently, Shri Jiblal Mahto, Overburden Removal Worker is entitled to be reinstated with effect from 23-12-76. The concerned workman is also entitled to all his back wages and other emoluments w.e.f. 23-12-76.

This is my award.

J. P. SINGH, Presiding Officer
[No. L-20012/138/78-D.III(A)]

S O. 2771—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Chasnala Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Chasnala, District Dhanbad and their workmen which was received by the Central Government on the 16th September, 1980.

BEFORE SHRI J. P. SINGH, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

(NO. 2) DHANBAD.

Reference No. 15 of 1979.

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Chasnala Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Chasnala, District Dhanbad.

AND

Their workmen.

APPARANCES :

On behalf of the employers : Shri T. P. Choudhury, Advocate.

On behalf of the workmen : Shri S. Dasgupta, Advocate.

STATE : Bihar

INDUSTRY . Coal

Dhanbad, the 12th September, 1980

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its notification No. L-20012/208/78-D.III(A), dated 23rd March, 1979 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDELE

"Whether the demand of the workmen of Chasnalla colliery of Mess/s Indian Iron and Steel Company Limited, Post office Chasnalla, District Dhanbad for grant of Technical and Supervisory Grade—'B' in the time scale of Rs. 510—27—726—32—854 to Sarvashri B. P. Mukherjee, J. M. Ghosh, J. N. Goswami and Narup Singh, Winding Engine Operators, is justified ? If so, to what relief are the said workmen entitled ?"

2. In order to appreciate the demand of the concerned workmen it will be necessary to go into the facts of the case. In March 1975 the management of Sudamdh and Moonidh collieries of N.C.D.C. invited applications for the post of winding engine operators and offered technical and supervisory Grade B to the selected candidates. Out of 10 winding engine operators working in Chasnalla colliery at that time, 4 1st class certificate holders viz. S/Shri B. B. Roy, Ali Manjar, S. Manivelu and Abu Samad approached the management with the request for 'No objection' certificate to enable them to apply for the posts advertised. On receipt of their applications for 'No objection' certificate, the Senior Manager of the colliery Shri S. K. Banerjee through his letter No. ZD/699 dated 22-3-1975 addressed to the Chief Executive (C), Chasnalla colliery recommended that the 4 operators of Chasnalla colliery might be offered the same grade and scale of pay as available in Sudamdh and Moonidh collieries. This recommendation was accepted by the management with the result that S/Shri B. B. Roy, Ali Manjar and Abu Samad were placed in technical grade B with basic salary of Rs. 591 P.M. in the scale of Rs. 510—27—726—32—854. Immediately thereafter the remaining 7 operators also approached the management through their joint petition dated 27-1-1975 praying for the same grade and pay scale for the 3 operators who held 1st class certificate Shri S. Manivelu, one of the remaining 3 1st class certificate holders was placed in technical grade B after 3 months on production of medical fitness certificate. But no consideration was shown to other 2 operators viz. Shri J. M. Ghosh and Shri Narup Singh, 2 more winding engine operators Shri B. P. Mukherjee and Shri J. N. Goswami obtained 1st class certificate in October, 1975 and July, 1977 respectively. All these workmen filed petitions before the management and the Colliery Staff Association also wrote to the management demanding re-categorisation and proper scale of pay for the 4 workmen concerned. Due to failure to settle the dispute by mutual discussion the Association referred the same for conciliation to the Assistant Labour Commissioner (C), Dhanbad. The conciliation proceeding ended in failure due to the adamant and unreasonable attitude of the management, and this has led to the present reference. The concerned workmen have based their case on the ground of serious miscarriage of justice and unfair discrimination.

3. The management of Chasnalla colliery have said that the winding engine operators having 1st class certificates are to be placed in category VI of the Coal Wage Board recommendation, and accordingly all winding engine operators possessing 1st class certificates have been placed in category VI. It has been stated that there is no obligation on the part of the management to grant technical and supervisory Grade B to any winding engine operators having 1st class certificate. According to the management there were 4 1st class winding engine operators and in response to the advertisement of the Sudamdh Project of the then N.C.D.C. for recruitment of winding engine operators offering technical and supervisory grade B to the selected candidates all of them applied for 'No objection' certificates. The management did not want to lose these experienced hands and 'No objection' certificates demanded by them could not be given, and in fairness to them the management granted them technical and supervisory grade B, as offered by the N.C.D.C. Thereafter in December 1975 there was the Chasnalla disaster the deep mines were flooded causing heavy loss of life and the winding engines were not in use. The management has said that since then the entire mine was virtually lost and it has not been reclaimed. The management has stated that the winding

engines are not in operation except on rare occasions. According to the management, therefore, the case of 4 concerned workmen could not be equated with the case of the persons viz. S/Shri B. B. Roy, Ali Manzar, S. Manivelu and Abu Samad who have been granted technical and supervisory grade B in March, 1975.

4. Before I go to discuss the evidence in this case I have to point out that according to the wage board recommendation Chasnalla colliery just like other collieries was paying the wages of category VI to 1st class winding engine operators. But for the fact that the management of Chasnalla colliery placed 4 of the 1st class winding engine operators in technical and supervisory grade B, there would have been no occasion even for these 4 concerned workmen to raise this dispute. By this I mean that these concerned workmen started putting forth the demand as and when they obtained 1st class certificate to be placed in technical and supervisory grade B instead of the management's action to place them in category VI. The question before us is whether such a demand could be justified.

5. The winding engines of Sudamdh colliery are Polish machines called Koepe type while the Chasnalla winding engines are British machines called G.E.C. MW. 1 Shri Jagdish Prasad Rajak, Assistant Engineer of Chasnalla colliery has in his evidence stated about the difference between the two types of engines and also about the difference in operational technique. He has said that in Chasnalla colliery there were two shafts named as up-cast and down-cast. The up-cast winding engine was of 250 H.P. whereas the down-cast winding engine is of 1700 H.P. His evidence is that Shri B. B. Roy, Ali Manjur, S. Manivelu and Abu Samad work in down-cast shaft which had 1700 H.P. engine. According to him all these 4 winding engine operators had passed 1st class examination in 1971. He has deposed about the circumstances under which 'No objection' certificate was refused to these 4 winding engine operators and about granting of technical and supervisory grade B to them. He has further said that at present due to presence of water in his mine, the winding engines had to work only 2/3 times per shift for taking the staff to the up-cast shaft. Furthermore, he has said that the management has no requirement of any 1st class winding engine operator. The witness has brought out in his evidence some operational difference between the G.E.C. engine and Koepe type engine. In fact WW. 1 Shri B. P. Mukherjee and WW. 2 Shri Brijvir Singh have both spoke about the operational and manufacturing differences between these two types of engines. But according to the workmen these two types of engines fixed at Chasnalla and Sudamdh are both sophisticated and intended to serve very deep mines. For this reason they say that if Koepe winding engine operators were entitled to technical and supervisory grade B, there was no reason why the Chasnalla winding engine operators should get lesser wages of category VI.

6. On the point raised above, I would like to quote 2 paragraphs of the wage board recommendations, Vol. I, Page 63 which are as follows :

"32. In Sudamdh and Monidh collieries during shaft sinking, conventional drum type, electrically operated winders of large capacity are utilised. In the production stage however, some of these winders will be replaced by the Koepe winder. Considering the skill required for operating these winders it is recommended that on initial recruitment for operating these winding engines, the worker should be placed in the new Category IV. He would be promoted to new Category V as soon as he is found fit for independent operation of these winders. After further 6 months he would be promoted to new Category VI.

33. The above recommendations relate to conventional drum type winders. If such operators are subsequently asked to operate Koepe winders they should be placed in technical and supervisory Grade "B" at the minimum of the scale in the case of the smaller Koepe winders upto 5000 P.O.B. Operators employed on Koepe winders of higher capacity should be given 3 advance increments in this scale."

It will be seen from the above that with regard to the winding engine operators of Sudamdh and Monidih collieries of N.C.D.C. a distinction was made mainly on account of Installation of Koepe winders. The wage board, therefore, distinguished Koepe winders with other winders fixed in other collieries. Shri S. Dasgupta representing the workmen has simply submitted before me that before the wage board no special mention was made about the sophisticated nature of the winding engines available in Chasnalla and some other collieries. What he means to say is that winding engines in Sudamdh and at Chasnalla should be put on the same footing and the wage structure of the operators of the Chasnalla machines should also be put at par with that of Sudamdh. I am afraid this argument cannot be accepted because the scope of this reference is very limited. The workmen have demanded the wages of technical and supervisory grade B and in the written statement their plea is that they operate winding engines of similar type as available at Sudamdh and Monidih. They demanded that there should be no discrimination between these concerned workmen and 4 others of the same colliery who had been previously granted technical grade B. We have to consider the case in the above context and it is not for us to fix a wage structure for all the collieries which may have similar type of winding engines. Now, so far as Koepe engines are concerned, the wage board has conceded that it is different from other types of winding engines. The learned Advocate for the management tells me that a joint bi-partite committee is in existence of which Shri S. Dasgupta is a member and dispute of this nature could be dissolved there as a proper forum for deciding such matters. Shri Dasgupta has admitted the existence of such a committee and has also admitted that this matter is before the committee also. I must frankly say that in deciding a wage structure the labour and the management of different collieries have to be consulted and there should be full materials for deciding such cases. Unfortunately, in this reference all the materials are not available as we are considering the case of the concerned workmen over a question as to whether they are entitled to technical and supervisory grade B of the wage board recommendation. Having disposed of the major points raised by Shri Dasgupta the position remains that 4 1st class winding engine operators were denied 'No objection' certificates by the management for the simple reason that at that particular time in March, 1975 there was no other 1st class winding engine operators. The management was compelled by circumstances to keep them and to compensate them by giving technical and supervisory grade B. Those winding engine operators were in category VI when they applied for 'No objection' certificates and if the management granted them 'No objection' certificates these concerned workmen would have no cause of action to raise this dispute. It is therefore clear that in respect of 4 1st class winding engine operators the management made it a special case to allow them technical and supervisory grade B. We cannot say that the management made it a rule that all the winding engine operators who obtain 1st class afterwards would be entitled to be placed in technical and supervisory grade B instead of category VI. In short, we can say that the training of technical and supervisory grade B to the 4 1st class winding engine operators viz. S/Shri B. R. Roy, Ali Manzar, S. Manivelu and Abu Samad was only an exception which goes to prove that the 1st class winding engine operators at Chasnalla were, as a rule, to be placed in category VI. I do not see that any great injustice has been done to these concerned workmen when the management refused to grant them technical and supervisory grade B.

7. Shri S. Dasgupta has attacked the decision of the management in not allowing technical and supervisory grade B to the concerned workmen on the ground of discrimination. I need not quote any law on the subject for the simple reason that, in my opinion the case of the concerned workmen does not come within the principle of discrimination. I may mention that at the time when the question of granting technical and supervisory grade B to the 4 of the 1st class winding engine operators arose none of these concerned workmen had obtained 1st class certificates. Even then the management in March 1975 gave technical and supervisory grade B to only 3 of the 4 winding engine operators leaving one Shri S. Manivelu. Shri Manivelu had represented his case before the management, as admitted in the written statement of the concerned workmen and 3 months after the management conceded that since all the 4 winding engine operators had applied for 'No objection' certificates, there could be no

disrimination, and therefore, allowed Shri S. Manivelu also the same grade as 3 others. As I have said these concerned workmen were not in the picture at all for the same consideration by the management, nor had they been refused any 'No objection' certificate so as to make them entitled compensation by way of giving them technical and supervisory grade B. Hence the plea of discrimination is not available to the concerned workmen.

8. Thus, considering all aspects of the case I have to hold that the demand of the workmen of Chasnalla colliery of Messrs Indian Iron and Steel Company Limited, Post office Chasnalla, District Dhanbad for grant of Technical and Supervisory Grade—'B' in the time scale of Rs. 510-27-726-32-854 to Sarvashri B. R. Mukherjee, J. M. Ghosh, J. N. Goswami and Narup Singh, Winding Engine Operators is not justified. Consequently they are not entitled to any relief.

This is my award.

J. P. SINGH, Presiding Officer,
[No. L-20012/208/78-D.III(A)]

New Delhi, the 27th September, 1980

S.O. 2772.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Tata Iron and Steel Company Limited, Post Office Jamadoba, District Dhanbad and their workmen, which was received by the Central Government on the 22nd September, 1980.

BEFORE SHRI P. RAMAKRISHNA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 25 of 1979

PARTIES :

Employers in relation to the management of 3 and 4 pits Jamadoba Colliery of M/s. Tata Iron and Steel Co. Ltd., P.O. Jamadoba, Dist. Dhanbad ;

AND

Their workmen.

APPEARANCES :

For Employers—Shri S. S. Mukherjee, Advocate.

For Workman—Shri B. Lal, Advocate.

INDUSTRY : Coal.

STATE : Bihar

Dhanbad, the 15th September, 1980

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Dispute Act, 1947(14 of 1947) have referred the following dispute to this Tribunal for adjudication by their Order No. L-20012/186/79-D.III(A), dated the 29th November, 1979.

SCHEDULE

"Whether the action of the management of 3 & 4 Pits Jamadoba Colliery of M/s Tata Iron and Steel Co. Ltd., P. O. Jamadoba, Dist. Dhanbad in terminating the services of Shri Devi Shaan Singh, a Miner of the said colliery with effect from the 10th May, 1978 is unjustified ? If not, to what relief is the said workman entitled ?"

2 On behalf of the workman the General Secretary of the Bharativa Mazdoor Manch has filed a written statement of claim stating that the concerned workman had put in 20 years of service as a Miner without a blamish. On account of an injury received by him while on duty sometime in

the month of October'77 he was given treatment at the company's hospital and was declared fit to join duty. The workman accordingly resumed duty and was working to the satisfaction of all concerned. To the utter surprise of the workman he received a letter dated 16-5-78 terminating his services on the plea that he was found unfit. They say the action of the management is illegal and unjustified. It is prayed that the workman may be reinstated in his original post with full back wages and continuity of service.

3. The management in their written statement pleaded among other things that on 31-10-77 the concerned workman met with an accident while on duty. The nature of the injury sustained by him was "Abarasion Chest Wall". He was given treatment for that injury at the Central Hospital of the company and after he was cured and certified to be medically fit by the Medical Board on 16-11-77 he was allowed to resume duty as underground miner with effect from 21-11-77. The workman thereafter worked for seven months without any complaint. In March'78 he again fell ill which illness had no connection with the injury sustained by him in the month of October'77. The workman remained sick from 9-3-78 to 10-5-78 on account of backache. He was examined by the Medical Board on 10-5-78 which declared him unfit for the job of a miner. It is further stated that the workman had been frequently complaining of backache for one year prior to 10-5-78. The Medical Board expressed the opinion that he was suffering from low backache and that he had painful movement at lumber-sacral spine Osteoarthritis of L4, L5 spine. On the basis of the above report the workman was discharged from service with effect from 10-5-78 after complying with the necessary formalities. Through the Rastriya Colliery Mazdoor Sangh the recognised union in the colliery had approached the management to provide the workman with suitable light surface job, the management could not comply with their request for want of vacancies. It is submitted that the action of the management in terminating the services of the workman is justified.

4. The workman in the course of his rejoinder inter-alia contended that the termination of the services of the workman amounts retrenchment and therefore the provisions of Section 25F of the Industrial Disputes Act are attracted.

5. The management in their rejoinder while reiterating the averments made in their written statement submitted that the provisions of Section 25F of the Industrial Disputes Act are not attracted as the applicant was discharged from service on grounds of ill health.

6. On the above pleadings the issues that arise for consideration are—

(1) Whether the action of the management in terminating the services of the workman with effect from 10-5-78 is justified?

(2) To what relief?

7. Issue (1)—The facts are not very much in dispute though the workman has examined himself as WW-1 to deny the several facts pleaded by the management in their written statement. The workman at the relevant time was as a miner. While on duty he met with an accident on 31-10-77 for which he was treated at the company's Central Hospital. On 16-11-77 he was pronounced to be medically fit to join his original job. From 21-11-77 he worked till March'78 and remained sick from 9-3-78 complaining of backache. It is not seriously contended that the injury sustained on 31-10-77 had anything to do with the backache. The Medical Board issued the opinion Ext. M-1 after examining the workman. MW-1 after examining the workman. MW-1 was the Chairman of the Medical Board. Doctors T. G. N. Sinha and Palibul were the other members of the Board. After examining the X-Ray pictures of the workman's diseased spine (Exts. M-3 & M-4 are the X-Ray pictures) it was found that the complaint of authorities was of a serious nature. MW-1 deposed that a person with this complaint could not be expected to work as a miner whose job requires loading of 2 tons of coal per shift each basket weighing one maund. The process involves bending and lifting a basket full of coal 54 times in a shift. He further stated that the chances of the nerve coming out of inter-vertebral space and getting caught between two vertebrae leading to paralysis of the leg are great. Ext. M-1 is the certificate issued by the Medical Board

bearing the signatures of all the Doctors constituting the Board including that of the witness MW-1. In his cross-examination it was suggested to MW-1, that the opinion expressed by the Medical Board in Ext. M-1 was not correct and that the workman was fit to resume his original job. He denied the suggestion. The workman as WW-1 deposed that he was fit to resume the original job of a miner. In his cross-examination he stated that after the Medical Board gave its opinion against him he consulted another Medical Practitioner who opined that he was quite fit to resume his original job. The opinion of that Doctor is not filed nor is that Doctor examined. He denied ever having been a member of the Rastriya Colliery Mazdoor Sangh. He admits having submitted an application to the Management requesting them to provide him with a light job. MW-2 was the Manager of Jamadoba Colliery during March'78 to August'79. He is examined to prove Ext. M-3 the office copy of the letter addressed by him to the workman asking him to appear before the Medical Board on 3-5-78. He says that Sri C. P. Rai Sharma, Asstt. Secretary of the Rastriya Colliery Mazdoor Sangh approached him with a request that the workman should be provided with a suitable surface job and that he replied that no such job was available at that time. Relying on the above oral evidence of MW-1 and the medical opinion Ext. M-1, I hold that the workman had become unfit to work in his original job. I further hold on the basis of Ext. M-1 that the workman was getting repeated attacks of backache for one year before the date of examination by the Medical Board. On the above evidence, it must be held that the action of the management in discharging the workman from service on medical grounds with effect from 10-5-78 is justified, Issue (1) found for the management.

8. Sri B. Lal for the workman contends that the termination of the services of the workman concerned amounts to retrenchment within the meaning of Section 200 of the Industrial Disputes Act and since the provisions of Section 25F of the Act have not been complied with before terminating his services, the workman is entitled to reinstatement. I do not agree with the contention. The evidence of MW-1 and the opinion of the Medical Board clearly show that the workman was discharged from service on account of his continued ill health to wit repeated occurrence of backache during the period of one year prior to the date of Ext. M-1 (10-5-78).

9. Issue (2).—The question is whether it is not possible for the management of M/s. Tata Iron and Steel Co. to provide the workman with a suitable alternate light surface job on humanitarian grounds. There should be available jobs like Chaprasis which do not involve bending and carrying of heavy weights in this huge organisation of theirs. I feel that in the interests of justice the workman should be provided with one such job. The pay (not necessarily the scale of pay or the grade) he was drawing on the date of discharge should be protected. But the workman will not be entitled to any back wages or any other monetary benefits for the period 10-5-78 till the date he joins duty in the new job. The gratuity drawn by the workman will have to be refunded by him before joining the new post as and when offered to him.

10. In the result this Reference is answered as follows :—

The action of the management in terminating the services of the concerned workman on medical grounds with effect from 10-5-78 is justified. However, the management is directed to provide the workman with a light surface job like a Chaprasi within 30 days from the date of publication of this Award. The workman will not be entitled to any back wages or other monetary benefits except continuity of service for the intervening period. The offer of light surface job will be conditional on the workman refunding the amount of gratuity.

P. RAMAKRISHNA, Presiding Officer

[No. L-20012/186/79-D.III(A)]

S.O. 2773.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Industry Colliery of Messrs Bharat Coking Coal Limited, Post Office Dhansar, District Dhanbad and their workmen, which was received by the Central Government on the 20th September, 1980.

BEFORE MR. JUSTICE B. K. RAY, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
NO. 1, DHANBAD.

In the matter of a reference under Sec. 10 (1)(d) of
the Industrial Disputes Act, 1947.

Reference No. 47 of 1978

PARTIES :

Employers in relation to the management of Industry
Colliery of M/s. Bharat Coking Coal Ltd., P.O.
Dhansar, Dist. Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers—Mr. T. P. Choudhury, Advocate.

For the Workmen—Mr. D. Mukherjee, Secretary, Bihar
Colliery Kamgar Union.

State : Bihar. Industry : Coal.

Dhanbad, the 16th September, 1980

AWARD

By Order No. L-20012/157/78-D.III(A) dated 21st November, 1978, the Central Government being of opinion that an industrial dispute exists between the employers in relation to Industry Colliery of M/s. Bharat Coking Coal Limited and their workmen in respect of the matters as mentioned in the schedule attached to the order have referred the same for adjudication to this Tribunal. The schedule to the order reads thus :

"Whether the action of the management of Industry Colliery of Messrs Bharat Coking Coal Limited, Post Office Dhansar, District Dhanbad, in dismissing Shri Sakaldeo Paswan, Fireman from service with effect from the 10th December, 1976, is justified ? If not, to what relief is the said workman entitled ?"

2. After notice to the parties they filed their respective written statements and rejoinders. On closure of pleadings by the parties the management filed an application to decide the question as to whether the domestic enquiry held finding the workman guilty of the charge as a result of which he was dismissed was fair and proper as a preliminary point before entering into the merit of the case, as the question of fairness of the domestic enquiry had been raised by the union in its pleading. In pursuance to this application parties agreed that the question should be decided as a preliminary point whereafter the case would be heard on merit. Accordingly management in support of the preliminary point examined the Enquiry Officer. The union did not choose to examine any witness. Upon this evidence parties were heard on the question as to whether the domestic enquiry had been fair and proper. By order dated 20-8-1980 the Tribunal held that the enquiry to be fair and proper. Thereafter no evidence was adduced by the parties on the merit of the case and they argued their respective cases on merit on the basis of the material placed before the domestic enquiry.

3. The concerned workman was charged for having committed misconduct under Clause 29(13) of the certified Standing Orders applicable to the colliery on the allegation that he was lending money to subordinate employees of the colliery and charging interest at exorbitant rates. The concerned workman in reply to the charge said that the wages he was getting was too insufficient to meet his domestic expenses and so he could not lend money to others at exorbitant rate. On these allegations the workman stated in his reply that the charge against him was false and that an enquiry might be made into the same. The reply submitted having been found to be not satisfactory the management held a domestic enquiry. In the domestic enquiry two witnesses were examined for the management and the workman examined himself in support of his defence. The first witness of the management examined in the domestic enquiry Sri Sitaram Manjhi deposed that he was working at

Kusunda Colliery and before that he was working in Industry Colliery where the workman was working. The witness further deposed that in the year 1973 he had taken loan from the concerned workman on interest and was paying him Rs. 13 as interest per week. As he defaulted in paying interest in one week the concerned workman came to his residence in April, 1974 and raised a quarrel with him. The witness further said that in course of quarrel the concerned workman bate him. At that time, according to the witness, Sri Sakal Manjhi was there. After being beaten witness reported the matter to the police. After narrating his own experience the witness asserted that the concerned workman was lending money on interest and realising the same forcibly. The second witness examined for the management was one Sri Sakal Manjhi. He deposed that he was working in Kusunda Colliery as miner and on one occasion he had taken Rs. 100 from the concerned workman and was paying interest every week. He further deposed that when in one week he did not pay interest the concerned workman came to his residence quarreled and bate him. The witness then proceeded to state that after he was beaten he went to Jharia Police Station and submitted a report. The concerned workman who examined himself denied to have lent money on any occasion on interest to anybody. Upon the aforesaid evidence the Enquiry Officer found the concerned workman guilty which led to the impugned order of his dismissal from service. It is not disputed that lending money to subordinates is a misconduct as per Clause 29(13) of the certified Standing Orders applicable to the colliery in question. The evidence of the Enquiry Officer discloses that there was a report to the Dy. Commissioner about money lending by the concerned workman prior to issue of chargesheet against the workman. The evidence, however, does not disclose as to who made the report and whether the report was about the two loanees examined in the domestic enquiry. No attempt has been made by the management to call for the report. The Enquiry Officer does not say that any other report was either made to him about money lending being carried by the concerned workman or to any other officer of the management. The evidence in the domestic enquiry discloses that the concerned workman had lent money to the two loanees in the year 1973. The chargesheet against the workman was issued on 18-9-1976 that is after three years of loan transactions with the two loanees examined. It is not explained by the management as to how and under what basis after a period of three years a chargesheet was issued against the workman. The chargesheet also does not name any loanee. Not only the report alleged to have been made to Dy. Commissioner is not produced but also the management does not come forward with a case that on the basis of the said report a chargesheet was issued against the concerned workman. The chargesheet far from naming any loanees does not indicate the amount of money lent, the rate of interest at which money was lent and the time when money was advanced as loan. This being the state of affairs it is rightly contended on behalf of the union by Mr. D. Mukherjee, learned counsel, that the chargesheet is as vague as anything on the basis of the same a punishment of dismissal is not justified. It is further contended that the vagueness of the charge has seriously prejudiced the concerned workman in enquiry. There is also sufficient force in this contention because till the time when the enquiry commenced the concerned workman was not aware of the nature of evidence he was to face. This must have resulted in causing prejudice to him. On behalf of the union a certified copy of Order sheet in a proceeding under Sec. 107 Cr. P.C. has been filed (Ext. W-1) to show that in the year 1947 there was a proceeding under Sec. 107 Cr. P. C. between one of the witnesses examined for the management in the domestic enquiry and the concerned workman. Ext. W-1 further shows that the proceeding was dropped because 1st party who was one of the witnesses for the management did not appear. On the basis of this it is argued on behalf of the union that there being previous animosity as evidenced by Ext. W-1 between the concerned workman and one of the two witnesses no reliance could be placed upon his evidence. It is further pointed out by Mr. D. Mukherjee that evidence of MW-1 regarding assault on him is not corroborated by the evidence to MW-2. For all these reasons it is argued that it should be held that the management has failed to establish the charge against the concerned workman, that the finding of the Enquiry Officer is not justified and consequently the impugned order of dismissal. These contentions of Mr.

Mukherjee are well founded. In reply it is argued on behalf of the management by Mr. T. P. Choudhury that in view of the evidence of the Enquiry Officer that there was a report against the concerned workman regarding money lending business carried by the concerned workman it must be held that chargesheet was issued against the concerned workman on the basis of the said report. It is very difficult to accept this without any further link. The fact remains that the chargesheet does not mention the names of the loanees nor the amount alleged to have been lent by the concerned workman. The chargesheet also does not mention the time when money was lent. The evidence discloses that the money lending, if any, took place in the year 1973. There is no documentary evidence to support the story of money lending. The evidence of MW-1 as stated earlier is not corroborated by MW-2. It is not known how MW-1 and MW-2 if they were assaulted as deposed by them did not make any report about the occurrence to the management immediately after the occurrence. The long lapse of three years between the alleged money lending and the time when chargesheet was issued against the workman is not satisfactorily explained. Nothing is shown as to what prompted the management to issue a chargesheet three years after the alleged money lending and on what basis such a chargesheet was issued. Mr. T. P. Choudhury for the management contends that Ext. W-1 the certified copy of the Ordersheet would show that there was some occurrence as deposed to by MW-1. This contention cannot be accepted. Without any material to show that the proceeding under Sec. 107 Cr. P. C. was the result of an assault as deposed to by MW-1 it is difficult to agree with Mr. T. P. Choudhury. On the other hand Ext. W-1 goes to show that there was previous enmity between workman concerned and MW-1. That being as evidence of MW-1 cannot be accepted without corroboration as mentioned above. The silence on the part of MW-1 and MW-2 for a period of three years after alleged incident makes the entire story of the management regarding money lending by concerned workman unworthy of any credit. For these reasons I hold on re-appraisal of evidence led by the management in the domestic enquiry and after hearing learned counsel for both parties at length that the finding of the Enquiry Officer holding the concerned workman guilty is not justified and so also the impugned order of dismissal dismissing the concerned workman.

4. In the result, therefore, the concerned workman is entitled to reinstatement with full back wages from the date of his dismissal i.e. from 10-12-1976. In the circumstances there will be no order for costs.

B. K. RAY, Presiding Officer
[No. L-20012/157/78-D. III(A)]

S. H. S. IYER, Desk Officer

नई दिल्ली, 27 मित्रावृत्त, 1980

कांग्रेस 2774.—मैसं दि प्रहमदावाव डिस्ट्रिक्ट को-ऑपरेटिव बैंक नियमित, अहमदाबाद, (जिसे इसमें इसके पश्चात उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है।

प्रीर केन्द्रीय सरकार का समागम हा या है कि उक्त स्थापन के कर्मचारी, कोई पृथक प्रभिदाया या प्रीमियम का सदाय किए बिना ही, भारतीय जीवन बीमा नियम की समूह बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदा उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप में सम्बद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात उक्त स्कीम कहा गया है) के अधीन उन्हें अनुप्रयोग हैं;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रवत्त संक्षियों का प्रयोग करते हुए, और इससे उपरांत अनुसूची में विनियोग शर्तों के अधीन रहते हुए, उक्त स्थापन

को, 1 मार्च, 1980 से 28 फरवरी, 1983 तक उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

प्रमुखसूची

1. उक्त स्थापन के संबंध में नियोजक प्रावेशित भविष्य निधि आयुक्त, गुजरात को ऐसी विवरणियां भेजेगा, ऐसे लेखा रखेगा और निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे नियोजन प्रभारों का प्रत्येक साम या समाप्ति से 15 दिन के भीतर संदाय करेगा और केन्द्रीय सरकार, समय समय पर उक्त अधिनियम की धारा 17 की उपधारा (2क) के अधीन निर्दिष्ट करे।

3. समूह बीमा स्कीम के प्रशासन में, जिसके मन्त्रीन लेखाधारों का रखा जाता, विवरणियों का प्रस्तुत किया जाता, बीमा प्रीमियम का संदाय, लेखाधारों का अनुराग, नियोजन प्रभारों का संदाय आदि भी है, हाने वाले सभी व्ययों का बहुत नियोजक द्वारा किया जाएगा।

4. नियोजक केन्द्रीय सरकार द्वारा यथा अनुमोदित समूह बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए तब उस संशोधन की एक प्रति नया कर्मचारियों की बहुसंख्या की भावा में उसकी मूल्य वालों का अनुबाद, स्थापन के सूचना पट्ट पर प्रवर्णित करेगा।

- यदि कोई ऐसा कर्मचारी, जो उक्त स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाता है तो, नियोजक, समूह बीमा स्कीम के सम्बन्ध के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा नियम को मदन करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे दिया जाने हैं तो, नियोजक, समूह बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए समूह बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुबाद हैं।

7. समूह बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मूल्य पर हस स्कीम के अधीन सदेय रकम उम रकम से कम है जो उस कर्मचारी की दशा में देय होती जब वह उक्त स्कीम के अधीन होता है, तियोजक कर्मचारी के विधिक वारिस/नामिर्येशी को प्रतिकर के रूप में दोनों रकमों के अन्तर के बाबत रकम का संदाय करेगा।

8. समूह बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रावेशिक भविष्य निधि आयुक्त, गुजरात के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहा किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रावेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना वृष्टिकोण स्थाप्त करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा नियम की उम समूह बीमा स्कीम के, विसे स्थापन पहले अपना चुका है अधीन नहीं रह जाने हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीत से कम हो जाने हैं, तो यह छूट रह दी जायेगी।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा नियम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को व्यवस्था हो जाने विधा जाता है तो, यह छूट रह दी जायेगी।

11. यदि नियोजक, प्रीमियम के सदाय, आवि में कोई व्यतिक्रम करता है, तो उन सूग सदस्यों के नाम निर्वेशितियों या विधिक वारिसों के, जो कह छूट न दी जाने की दशा में उक्त स्कीम के अस्तर्गत होते, वीमा कायदों के सदाय का उत्तरवायित्व नियोजक पर होगा।

12. उक्त स्वापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर, उसके बृक्षावार गाम निर्वेशितियों/विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन निगम से बीमाकृत रकम प्राप्त होने के सात विन की तीतर सुनिश्चित करेगा।

व्यवस्थापक जापिन

इस मामले में पूर्वाधिकी प्रभाव से छूट देनी आवश्यक हो गई है, क्योंकि छूट के लिए प्राप्त आवेदन पत्र की कार्डाइ पर समय लगा। तथापि यह प्रमाणित किया जाता है कि पूर्वाधिकी प्रभाव से छूट देने से किसी के हित पर प्राप्तिकूल प्रभाव नहीं पड़ेगा।

[संख्या एम-35014(28)/80-पी० एफ. II]

प० पूनन, उप सचिव

New Delhi, the 27th September, 1980

S.O. 2774.—Whereas Messis the Ahmedabad, District Co-operative Bank Limited, Ahmedabad, (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts with effect from 1st March, 1980 and upto 28th February, 1983, the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Gujarat, maintain such accounts and provide for such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc. shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Where an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Gujarat, and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where for any reason, the employer fails to pay the premium within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium etc., the responsibility for payment of assurance benefits to the nominee or legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, will be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

Explanatory Memorandum

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-35014(28)/80-PF.II]

A. POONEN, Dy. Secy.

New Delhi, the 1st October, 1980

S.O. 2775—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government thereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to the Shri Ramesh M. Pathara, Handling and Clearing Contractor, Mormugao Port and his workmen, which was received by the Central Government on the 20th September, 1980.

BEFORE SHRI JITENDRA NARAYAN SINGH PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY.

Reference No. CGIT-2/23 of 1980

Reference No. in CGIT No. 1, Bombay CGIT-4 of 1975
PARTIES :

Employers in relation to Shri Ramesh M. Pathara, Handling and clearing contractor at Mormugao Port.

AND
Their Workmen

APPEARANCES :

For the Employers—Shri Ramesh Desai Labour Adviser.
For the Workmen—No appearance.

STATE : Goa, Daman INDUSTRY : Port and Dock
and Diu.

Bombay, dated the 6th September, 1980

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred by Section 10(1)(d) of the Industrial Disputes Act, 1947 referred to the industrial dispute mentioned below for adjudication vide order No. L-36012/10/74-P&D/CMT/DIV(A) dated 7-2-1975 :—

“Whether Shri Ramesh M. Pathara, Handling and Clearing Contractor, is justified in not providing regular work and in refusing employment to the following 16 workmen ? If not, to what relief are the workmen entitled ?”

S. No.	Name	Designation
1.	Smt. Laxmi Bandekar	Pallewalli
2.	Smt. Sitabai Gavandhi	Pallewali
3.	Smt. Sitabai Gavandhi	Pallewali
4.	Smt. Sulochana Padnekar	Pallewali
5.	Smt. Bhai Malawadkar	Pallewali
6.	Smt. Chandrabha Honoverker	Pallewali
7.	Smt. Satyabhama Tari	Sticher
8.	Shri Lavoo Nerulkar	Sticher
9.	Shri Danu S. Ansukar	Sticher
10.	Shri Chandrakant Naik	Sticher
11.	Shri Urlas Ansukar	Sticher
12.	Shri Ashok	Sticher
13.	Shri Shivram Garodi	Sticher
14.	Shri Bhiwa Pandik	Sticher
15.	Shri Madhu Karndekar	Sticher
16.	Shri Subhan Gowas	Tally Clerk

The above reference was however ultimately transferred to this Tribunal by Order No. L-11025/1/80-DIV(B) dated 8-5-1980 of the Ministry of Labour.

The dispute was espoused by the Goa Dock Labour Union Vasco-da-Gama and its General Secretary was made party to the reference. The Union submitted its claim statement through its General Secretary. The management did not file any written statement though their representative appeared and stated before the Tribunal that the Employer Shri Ramesh M. Pathara, Handling and Clearing Contractor at Mormugao Port has got no establishment in Goa since 1976 and he has no more contract work there. The representative of the management Shri Ramesh Desai also submitted that no address of the workmen is available as the office of the employer is no longer in existence.

On 29-7-1980 the General Secretary of the Goa Dock Labour Union filed an application stating that the workmen concerned are no more members of his Union and therefore the Union be permitted to withdraw its appearance as it is not interested in contesting this case. On receipt of this application again a notice was sent to the employer asking him to furnish the address of the workmen concerned if available on the record. The employer was also directed to display one copy of the hearing notice on the Notice Board for the information of the workmen concerned at workspot to enable them to appear on the date of hearing, but the notice sent to the management was returned unserved with the endorsement 'Addressee left without address'. The Goa Dock Labour Union did not furnish any address of the workmen concerned so that notice could be sent to them. As stated earlier Shri Ramesh Desai appeared for the employer on 4-9-1980 and submitted that no address is available with the employer and they cannot supply the same. He also submitted that the office of the employer is no longer in existence in Goa.

As the Union has withdrawn its appearance there is nobody to prosecute the case of the workmen. In the circumstances there is no alternative to the Tribunal but to pass a 'No dispute award' in this case.

A 'No dispute Award' is accordingly passed.

No order as to costs.

JITENDRA NARAYAN SINGH, Presiding Officer
[No. L-36012/10/74-P&D/CMT/DIV(A)]

S.O. 2776.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust, Calcutta and their workmen which was received by the Central Government on the 23rd September, 1980.

MR. JUSTICE R. BHATTACHARYA, M.A., B.L., PRESIDING OFFICER. CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA.

Reference No. 10 of 1977

PARTIES :

Employers in relation to the management of Calcutta Port Trust ;

AND
Their Workmen.

APPEARANCES :

On behalf of Employers—Mr. D. K. Mukherjee, Labour Officer.

On behalf of Workmen—Mr. Santosh Kar, President of National Union of Waterfront Workers.

On behalf of Added Parties—Mr. Nirmalendu Banerjee and Mr. Arun Kumar Sill (Two others are absent).

STATE : West Bengal

INDUSTRY : Port

AWARD

This reference under Section 10 of the Industrial Disputes Act, 1947 arises out of the Order No. L-32012(14)/76-DIV(A) dated the 6th May, 1977 of the Central Government. The dispute for adjudication is as follows :

“Whether the action of the management of Calcutta Port Trust in filling up the vacancies of Senior Cash clerks by conducting a departmental examination in the background of clause VII(a) of the Memorandum of Settlement dated 27-12-74 is justified and whether supersession thereby of Saravari Bholanath Sen and Gopal Chandra Singha, Cash clerks, ranking senior, is justified ? If not, to what relief are the concerned workmen entitled ?”

2. The parties to the dispute are the employers in relation to the management of Calcutta Port Trust (hereinafter described as the "Port Trust"), and their workmen represented in this case by National Union of Waterfront Workers (INTUC), (hereinafter called the "Union"). Both the parties appeared and filed their respective written statements and rejoinders. The Tribunal added Prosanta Kumar Boora, Arun Kumar Sill, Ranjit Mallik and Nirmalendu Banerjee as parties to be heard, if they so liked, because they were the persons who filled up the vacancies in the posts of senior Cash Clerks. These added parties also filed their joint written statement.

3. The case of the Union, in short, is that the Port Trust has, for its works, different departments including Audit and Accounts Department, divided into several sections. The Financial Advisor and Chief Accounts Officers' Department, known as Audit and Accounts department has different categories of workmen including clerical staff of different categories and other classes of workmen such as Stenographer, Typist, Record peon, etc. Clerical staff included Head clerk, Cash clerk, Senior Cash clerk, Cashier, etc. The clerical staff of Audit and Accounts Department are again classified into Lower Division Clerk,

Upper Division Clerk, Upper Division Selection Grade Clerk and Head Clerk/Head Assistant, irrespective of their different nomenclatures. According to the Classification and Categorisation Committee for Port and Dock Workers, there are four grades and scales of pay for the clerical staff of Major Ports which were revised by the Central Wage Board in the following manner :

For Lower Division Clerk (LDC)	Rs. 150—281.
For Upper Division Clerk (UDC)	Rs. 170—366.
For Upper Division Selection Grade (U.D.S.)	Rs. 250—475
For Head Clerk/Head Assistant	Rs. 310—550.

The staff of clerical categories including cashier, cash clerk amongst others have been fitted in the four scales of pay of LDC, UDC, UDS and Head Clerk/Head Assistants. To open promotional opportunities to the clerical staff of Audit and Accounts Department a Memorandum of settlement between the Port Trust and its workmen (clerks of Account Department) represented by the Union and two other Unions was signed on 27-12-74. That settlement was for all the clerical staff attached to different sections of Audit and Accounts Department. According to clause VII of the memorandum of the said settlement, 60 per cent of the posts of Upper Division (Selection) Clerk shall be filled by persons on the basis of seniority-cum-suitability and 40 per cent on the basis of merit being determined by departmental examination, written and oral. The post of Senior Cash clerk being the post of Upper Division (Selection) clerk should be filled up by Cash clerk who belongs to the category of Upper Division Clerk. The Port Trust filled three vacancies in the posts of Upper Division (Selection) clerks by promoting three junior cash clerks, namely, Prosanta Kumar Boral, Arun Kumar Sil and Ranjit Kumar Mallik on the result of an examination held in accordance with a circular dated 10-3-76 without promoting Bholanath Sen and Gopal Chandra Singh who were eligible to be promoted by dint of seniority in service according to clause VII(a) of the settlement dated 27-12-74. Thus, the Port Trust acted illegally and violating the terms of the settlement. Bholanath and Gopal Chandra being the senior most Cash Clerks should have been selected for the post of senior Cash clerk on the basis of seniority and without examination.

4. In the rejoinder, the Union has stated that cashiers and other conditions of service. The resolution No. 565 of 1967 had been passed for the purpose of promotion and other conditions of service. The resolution No. 565 dated 24-4-67 regarding promotion of cash clerks, cashiers, etc., has been automatically superseded on the expiry of 30 days from 27-12-74, the date of settlement. With the settlement, the said resolution became inoperative. Cash clerks and cashiers were Upper Division clerks and senior Cash clerk was Upper Division (Selection) clerk.

5. The case of the Port Trust appearing in its written statement, put in short, is that it has thirteen departments including Audit and Accounts which deals with all financial matters including transactions of cash. Like other departments, Audit and Accounts has been divided into several sections. In the Audit and Accounts Department in addition to the clerical staff, there are cashiers, cash clerks and senior cash clerks for the purpose of transaction of cash. The erstwhile Port Commissioners, subsequently known as Trustees entered into a tripartite settlement on 7-4-65 to settle the demand of indoor clerical staff of all departments including Audit and Accounts department for enlarging their promotional opportunities. For this a resolution No. 526 was passed earlier on 31-3-65 to stipulate that 60 per cent of U. D. clerical posts would be filled up on the basis of seniority-cum-fitness and 40 per cent on the basis of merit-cum-seniority, merit being determined by a departmental examination. That settlement and resolution did not cover the case of cashiers, cash clerks and senior cash clerks. The promotional opportunities for cashiers, cash clerks, etc., were determined and covered by a separate resolution No. 565 of 24-4-67. Pursuant to the recommendations of the Central Wage Board for Port and Dock Workers (paras 7-2-26 to 7-2-66) promotional opportunities for the clerical staff were further widened, by a tripartite agreement with the recognised unions signed on 22-5-74 and 27-12-74. The agreement dated 22-5-74 embraced the indoor clerical staff of all departments except those in Audit and Accounts Department and the agreement dated 27-12-74 covered the indoor clerical staff of the Audit and Accounts Department.

The latter agreement came later because of the distinctive staffing pattern of the Audit and Accounts Department. The method of recruitment of the clerical staff of all the departments including Audit and Accounts Department differs from the method of recruitment of cashiers, cash clerks, etc. The promotional opportunities of these categories of employees were regulated by the Trustees Resolution No. 565 of 24-4-67 and the same still remains unchanged. Clause VII of the agreement dated 27-12-74 is not applicable to cash clerks, cashiers etc. of the Audit and Accounts Department. The Port Trust filled up 60 per cent vacancies in the post of Senior Cash Clerks on the basis of seniority-cum-merit after filling up 40 per cent vacancies on the basis of seniority-cum-suitability according to Resolution No. 565. Bholanath Sen and Gopal Singh, cash clerks did not appear in the departmental examination held for the purpose and were not, therefore, considered for promotion to the 60 per cent vacancies in the post of Senior Cash Clerk which were to be filled up on the basis of seniority-cum-merit. Bholanath and Gopal Chandra were thus superseded by the junior officers who got promotion by dint of merit-cum-seniority. Thus the supersession of the two employees in question was justified and legal and they can get no relief.

6. In the rejoinder filed by the Port Trust, it has been stated that the employees in the Cash and Pay Section (Treasury Sub-section) meaning Cash Clerk, Cashiers etc. are not classified into LDC, UDC etc. The similar scale of pay of the clerical cadres and of the employees in the cash and Pay Section (Treasurer's Sub-section) has no relevance in this case. The Committee for the Classification and Categorisation of Class III and Class IV employees of Major Ports recommended six scales of pay for clerical posts for the following six designated posts :—

1. Clerk, Lower Division.
2. Clerk, Upper Division.
3. Clerk, Selection Grade.
4. Head Clerk.
5. Head Assistant, and
6. Office Superintendent.

The cash clerks, cashier, senior cash clerks are not in the indoor Clerical Staff. They constitute a special category and the agreement dated 27-12-74 is inapplicable to their case.

7. The case of Prosanta Kumar Boral, Arun Kumar Sil, Ranjit Mallik and Nirmalendu Banerjee, is that they were appointed as cash clerks. They were nominated by the Treasurer. They and other cash clerks and cashiers belong to a separate cadre nominated by the Treasurer in usual course of business and customs and the rule of the Port Trust. They were borne on a separate list of seniority. Cash clerks and cashiers have the only promotional opportunity to the post of Senior Cash clerk and from Senior clerk to the post of Assistant Treasurer and Treasurer. By a Resolution No. 565 passed by the management of the Port Trust it was decided that the vacancies in the post of Senior Cash clerk would be filled up by cash clerks and cashiers on basis of 60 per cent on merit and 40 per cent on the basis of seniority. In 1967 three vacancies were filled up on the basis of merit, during 1968—73 seven vacancies were filled up on the basis of seniority, in 1976 three vacancies were filled up on the basis of merit and in 1977 one post was filled up on the basis of merit. A Notice No. 2381 P dated 10-3-76 was given to Cash clerks and Cashier that an examination for selection to the post of Senior Cash clerk was to be held. The added parties appeared at the examination and on the result thereof they were promoted to the post of Senior Cash clerk. Other Cash clerks and Cashiers did not sit for examination. Prosanta Boral, Arun Sil, Ranjit Mallik and Nirmalendu Banerjee filled up the vacancies in the post of Senior Cash clerk on 26-3-76, 27-3-76, 29-3-76 and 23-9-77 respectively. There were six posts of Senior Cash clerks in 1950 and the number was increased to 9 in 1967 by creation of two new posts. According to the added parties, the management of the Port Trust was justified in promoting them to the post of Senior Cash clerk.

8. Several documents have been exhibited on the sides of the Union and the Port Trust and they examined witnesses. Of the added parties only Prosanta Boral and Arun Sil were present during arguments but they neither adduced any evidence nor argued.

9 I have heard Mr D K Mukherjee, the Labour Officer of the Port Trust and Mr S Kar the President of the Union

Mr Kar's contention is that cash clerks and cashiers are indoor clerical staff of the Audit and Accounts Department as they are Upper Division clerks. The other cash clerks in the cadre of Upper Division are on clerical rank and in consequence between the two men and the Port Trust was arrived at on 27/12/74 in respect to clause VII thereof Bholanath Sen and Gopal Chandra Singh. He says no senior cash clerks in the top should have been promoted on selection without examination to the post but instead of considering their case the Port Trust promoted three cash clerks Prasanta Borai Arun Singh Ranjit Mallik to Bhola Nath and Gopal Chandra on the basis of departmental examination. Union's grievance is that the Port Trust acted illegally and in branch of the selection dated 27/12/74 by the appointment of the three junior clerks in selection the senior clerks, Bholanath and Gopal Chandra.

10 Mr. Mukherjee's submission on the other hand is that cashiers cash clerks and Senior cash clerks are not in the category of indoor clerical staff. Their promotion is on the basis of examination of 27/12/74. They constitute a separate category and their promotions are to be decided separately and covered by the erstwhile Commission's Resolution No 565 of 24/4/67. Cashiers and cash clerks are not Upper Division Clerks. Senior cash clerks also claim to be Upper Division (Selection) clerks. There was 60 per cent vacancy in the post of Senior Cash Clerks filled up by promotion on the basis of merit cum seniority to be tested by departmental examination. In view of getting opportunity Bholanath and Gopal Chandra did not sit for examination and consequently the three junior cash clerks got promotion on the basis of merit cum seniority bypassing the examination. The said promotion was legal and justified.

11 The most important question in this case is whether cash clerks cashier and Senior cash clerks of the Accounts Department of the Port Trust are included in the indoor clerical staff so as to be governed by the selection dated 27/12/74. Before embarking on such an issue I shall state some facts not challenged before me.

12 Previously Port Trust was governed by the Commissioners for the Port of Calcutta. It is not known as Calcutta Port Trust. There was a settlement between Calcutta Port Commissioners and the workmen represented by two Unions viz. Calcutta Port Sramik Union and National Union of Port Trust Employees on 7-4-67. This is Ext M 7. This was regarding promotion of Upper Division clerical cadre in relation to the strength of the lower division clerks in various departments and allied matters. There was another settlement between Calcutta Port Commissioners and their workmen represented by Calcutta Port Shramik Union on 22-5-74. In respect of Indoor Clerical Staff except those in Accounts Department. This is a part of Ext M 7. The last agreement between Calcutta Port Commissioners and their workmen was entered by three Unions, viz. Calcutta Port Sramik Union, Calcutta Port and Dock Workers' Union and National Union of Water Front Workers was signed on 27/12/74. It is a part of Ext M 7. This is for widening the promotional opportunities of indoor clerical staff of the Accounts Department only. The Union relies on this agreement for their claim of promotion of the two concerned workmen Bholanath Sen and Gopal Chandra Singh. Bholanath and Gopal Chandra the two cash clerks did not sit for the departmental examination on the result of which Prasanta Borai Arun Singh Ranjit Mallik who were junior to Bholanath and Gopal Chandra were promoted to the post of Senior Cash Clerk.

13 Now coming to the oral evidence we find two witnesses examined by the Union. WW 2 is Sunil Bhattacharya, an Upper division clerk. He is attached to Posts and Railways in Audit Section. His duty is to check up documents received from the Eastern Railway and to audit those documents by going to different offices in the north in case of the Port Trust. The witness says that his promotion is along with the indoor clerks in the Accounts and Audit department. Audit clerks are treated as indoor clerks and the promotion of the indoor clerks is decided by the selection of 1974. On this witness we see that his appointment letter was dated 1974 he was appointed as a lower division clerk as an audit clerk. He was promoted to the post of Upper division clerk in 1987. On this point, we also see that audit clerks and upper division clerks are borne on the same seniority list.

14 WW 2 is Sunil Bhattacharya, an Upper division clerk. He is attached to Posts and Railways in Audit Section. His duty is to check up documents received from the Eastern Railway and to audit those documents by going to different offices in the north in case of the Port Trust. The witness says that his promotion is along with the indoor clerks in the Accounts and Audit department. Audit clerks are treated as indoor clerks and the promotion of the indoor clerks is decided by the selection of 1974. On this witness we see that his appointment letter was dated 1974 he was appointed as a lower division clerk as an audit clerk. He was promoted to the post of Upper division clerk in 1987. On this point, we also see that audit clerks and upper division clerks are borne on the same seniority list.

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16 On the side of the Port Trust again two witnesses have been examined. MW 1 Bency Kumar Bhatacharya is the Senior Accounts Officer of Cash and Pay Section. He previously worked as the Junior Accounts Officer of Workshop Accounts Section of Audit and Accounts department of the Port Trust. From him we get the nature of duties and post of cash clerks cashiers and Senior cash clerks. There are cash clerks in Cash and Pay section. The main duty of the cash clerk is to disburse cash collect cash and render accounts to the extent necessary for such disbursement and receipt. They render accounts to the Treasurer. In connexion with the disbursement of salaries and wages of the employees cash clerks are to work at the Head office counter and at several points scattered all over the Port area. They are to disburse cash payment on board the vessels. They are also to go as far as Raichalk. Sometimes they are to go to several collecting points within the Port area for collection of cash. They are to work at Dock and Cash office. At counters also they are to work for payment and collection of cash. The work of cash clerk is done mostly indoors and on rare occasion they work outdoors. All cash clerks have to report in the morning at the Head Office and their attendance register is maintained at the Head Office. There are cashiers in the Cash and Pay Section. They are also to perform the same duty that the Senior Cash Clerks do now of the duties and responsibilities of Senior Cash Clerks Cash clerks and Cashiers. There are two Assistant Treasurers. They supervise the works of the Senior Cash Clerks, Cash clerks and Cashiers. There are Cashiers Cash clerks and Senior Cash Clerks in some of the Sections of FA & CAO (Financial Adviser and Chief Accounts Officer) Department. There is a common seniority list of cash clerks cashiers and Senior Cash clerks of all sections. There is also one seniority list of cash clerks and cashiers together of all sections. For Senior Cash Clerks, there is also a separate seniority list. There are two grades of clerical staff, one in the scale of Rs 425-635 and the other is in the scale of Rs 480-800 as far as the witness remembers. There is one Selection grade clerk in the pay scale of Rs 900-1000. There is one post of Head Clerk in the scale of Rs 1000-1200. The lower grade clerks are known as I D Clerk, II D Clerk and Selection Grade Clerk. Their duty is to write various Account Books. The seniority list of cash clerks and cashiers is separate from the seniority list of I D and II D Clerks of the Accounts Department. The cash clerk, Senior Cash Clerk is not available with the Lower Division Clerks. Upper Division Clerks and Upper Division Senior clerks in respect of their duties. Lower Division clerks are normally recruited through the Employment Exchange. There was a convention in the Port of Calcutta that the Treasurer was to nominate cashiers cash clerks etc for their recruitment. Cashiers and cash clerks are recruited through EPLB Bond or Cash deposit as security. The clerical staff are categorised as Lower Division Clerk, Upper Division Clerk and Upper Division Selection Grade Clerk by their grades and scales of pay. In Port Trust various grades of clerks are designated as Measuring clerks, Audit clerks, Bill clerk, Cheque writer and they all belong to the clerical cadre. Some audit clerks are to go out mostly to do their duties but they are treated as indoor clerks. For the purpose of promotion seniority etc. audit clerks, measuring clerks and Head measuring clerks are treated as one category. From MW 1 we further get that between 24-4-67 and 27-12-74 nine persons were promoted. First three were promoted to the post of Senior Cash Clerk after examination on merit and the next six by seniority-cum-suitability. After 27-12-74 four posts of Senior Cash Clerk were filled upon the basis of examination. Appointments as Senior Cash clerks were to be made

in accordance with the procedure laid down in Resolution No. 565 of the Port Trust. According to this resolution 60 per cent of the vacancies will be filled up by candidates after examination and the remaining 40 per cent by selection. There was an agreement for the purpose of promotion of the clerks in the Audit and Accounts Department. Normally, the Channel of promotion of a Senior Cash Clerk would be Asstt. Treasurer, Deputy and Treasurer but there is no bar anywhere in any cash clerk becoming Head Clerk.

17. Another witness has been examined on the side of the Port Trust. He is MW-2 Somendra Nath Bose. He is working as Head Assistant in the Accounts Department. He joined Port Trust as a Lower Division clerk. His evidence is that before the settlement dated 27-12-74 there was no post of Upper Division (Selection) Clerk in the Department of F.A. and C.A.O. There are Upper Division and Lower Division clerks. In those days lower division clerks were sometimes promoted to the Upper Division post by resolution passed by the Commissioners. Before the settlement Upper division clerks of the Accounts Department used to enjoy selection grade on personal basis. Their posts were of Upper Division Clerks but their salaries were paid according to Selection grade. The senior cash clerks enjoyed the scale of pay of the Upper Division Selection Grade Clerk. Cash clerks were eligible for promotion to the post of Senior Cash clerks. This promotion was on the basis of resolution passed by the Commissioners according to seniority-cum-merit by examination. There was a quota for promotion by seniority and there was also a quota for promotion on merit to be assessed by examination. According to paragraph 1(ii) of the Settlement dated 27-12-74, Ext. M-2, posts of Upper Division Selection grade clerks were created. Total strength of LDC and UDC was about 666 at the time of settlement. When the witness gave the total figure of 666, he did not take cashiers, cash clerks, Senior Cash clerks and Clerk-cum-cashiers into account. The witness did not include them because they have a separate seniority list.

18. The workmen have examined two witnesses but they have said nothing about the category, character or duties of the Cash clerks, Cashiers or the Senior Cash clerk. From them we get nothing about the Cash clerk, Cashier or Senior Cash clerk. On the other hand, we get much about them from the two witnesses of the Port Trust. I have already mentioned what they have stated. We get from them that the Cashier, Cash clerks and Senior Cash clerks constitute a separate category quite different from the indoor clerical staff including Lower Division Clerks, Upper Division Clerks and Upper Division Senior Grade Clerks. The main duty of the Cash clerks, Cashier and Senior Cash Clerks is to disburse cash, collect cash and render account to the Treasurer. There are two Assistant Treasurers who supervise the works of the cash clerks, cashiers and senior cash clerks. There was a convention that cashiers and cash clerks were appointed on the nomination of the Treasurer as they were to handle cash. Their promotion was regulated by the Resolution No. 565 of the Port Trust. The cash clerks, cashiers and Senior cash clerks are not interchangeable with the lower division clerk, upper division clerks and the upper division senior grade clerks. Lower division clerks are generally recruited through the Employment Exchange whereas cash clerks and cashiers on the nomination of the Treasurer. Separate list of seniority are maintained, one for the lower division clerks, upper division clerks and upper division selection grade clerks, and the other for cashiers, cash clerks and senior cash clerks. Cashiers and cash clerks are required to furnish security bond or cash deposit. Normally the channel of promotion of a senior cash clerk would be Assistant Treasurer, Deputy Treasurer culminating in the post of Treasurer, but the Upper Division Senior grade clerks would be promoted to a different line. These facts deposed by MWs 1 and 2 remain unrefuted by any evidence from the side of the workmen.

19. Mr. Kar's strenuous argument is that when the scales of pay of the Cashier, Cash clerk and the Senior Cash clerk correspond to the pays of Lower Division clerk, Upper Division clerk and Upper Division Selection grade clerk and the former did not work under the open sky but in sheds and rooms they must have been treated as indoor clerks. Mr. Kar has drawn my attention to the Report of the Committee for the classification and Categorisation of Class III and Class

IV employees of Major Ports, 1958-61 published by the Ministry of Transport and Communication, Government of India at pages 61, 67, 75, 77, 90, 92, 95, 97 and 102 to show the following scales of pay as fixed by the Committee in respect of the employees mentioned :

Cashier	— 80—5—120—LB—8—200—10/2—220
Cash clerks	— —do—
Senior Cash clerks	— 160—10—300
Upper Division Clerks	— 80—5—120—EB—8—200—10/2—220
Clerk, Selection Grade	— 160—10—300

My attention has also been drawn to the pay scales of cash clerks, cashiers, Senior cash clerks, audit clerks who are U.D. clerks, supervisors who are to U. D. clerks and U. D. Selection grade clerks in the Establishment Schedules for the year 1975-76, Ext. M-5 to prove that cashiers and cash clerks are ~~clerks and cash clerks are U.D. clerks of Selection Grade because they get the same scale of pay.~~ On the basis of these similar scales of pay Mr. Kar has argued that when Cashiers and Cash clerks were placed in the same scale of pay with the Upper Division clerks, Cashiers and Cash clerks must be in the category of indoor clerical staff of the Accounts Department particularly when both the classes of workers work indoors. This argument on the basis of the pay scale is unacceptable. We have found from the evidence of MWs 1 and 2 how the employees designated as Cashiers, Cash clerks and Senior Cash clerks have been treated as a distinct category for their nature of duties, works, manner of recruitment, promotional procedure, maintenance of separate list of seniority and their furnishing security. They were never treated as clerical staff of the same category of the Lower and Upper Division clerks and the Selection grade clerks. These two classes of employees were not interchangeable. In the case of *Wardha Sugar Refinery Ltd. v. Its Management*, reported in 1980 L.I.C. 742—1980 SC 1454—1980 II L.I.J. 124, the Supreme Court has held,

"The seniority list is the same, which is a telling circumstance to show that they fell in the same category. Grading for purposes of scales of pay and like considerations will not create new categorisation. It is a confusion or unwaranted circumvention to contend that within the same category if grades for scales of pay, based on length of service, etc., are evolved, that process amounts to creation of separate categories."

20. There is a distinction between "classification" and "categorisation". According to the Oxford Dictionary 'category' means 'one of the divisions in a classification or one of certain general classes of terms, things or notions' or 'a class to which a certain predication applies'. 'Class' is therefore, genus and 'category' is a species. Mr. Kar has contended that the Cashiers, Cash clerks, and Senior Cash Clerks have to collect and disburse cash and in that connexion they are to write notes and figures and also to prepare accounts to be rendered. They are to do clerical works, and therefore, their occupation is of clerical nature. There can be no doubt that their duties are of clerical nature to some extent. In this connection we may refer to Ext. M-5, the chart of the employees of the Audit and Accounts Department of Calcutta Port Trust giving the category of employees of this department with designations included therein, the duties, the nature of classification of the categories, next higher promotion etc. Column 1 states the category and designation of the employees and columns 8 and 9 speak of the duties of the employees categorised and designated and their classification. Against serial no. AA/8 we get under column 1, clerk (lower division) and under columns 8 and 9 duties of the said clerk are mentioned and the nature of work has been stated to be clerical. Against serial no. AA/13 we get category of employee has been described as Clerk (Upper Division) and in it are included the designation audit clerk, bill clerk, measuring clerk, Head measuring clerk and clerk (Selection grade). Their duties are mentioned in column 8 and in column 9 their work has been described as clerical. Against serial no. AA/16 in column 1 we find two designations, Cashier and Cash Clerk in one category. In column 8 their duties have been enumerated and the nature of their work has been described as clerical. Against serial no. AA/19, we find under

the column 1 Senior Cash clerk as a category and his duty have been described under column 8 and under column 9 work has been classified as clerical. It is quite evident, therefore that although the works of the lower division clerk, upper division clerk, clerk selection grade, Cashiers, Cash clerk a Senior cash clerks may be generally classified as of clerical nature, yet the L.D. clerk, U.D. clerk and U.D. clerk (selection grade) constitute one type of category and the Cashier, Cash clerks and Senior cash clerks represent different kind category because of their different types of duties and distinct characteristics Cashiers and cash clerks can not be of identical category with the Upper division clerks. Similarly, Sr. Cash clerk cannot be treated as Upper division selection grade clerk in spite of their similar scales of pay. Their categories have been made quite different as has been explained and proved by the oral evidence duly corroborated by the documentary evidence. It has been proved that the L. D. clerks, U. D. clerks and U. D. selection grade clerks and not Cashiers, cash clerks and Senior cash clerks are included in Indoor clerical staff referred to in the settlement dated 27-12-74.

21. I also find certain facts and circumstances which clearly go to show that Cashiers, Cash clerks and Sr. Cash clerks were never included in the indoor clerical staff of the audit and accounts department. Three settlements between the parties have been collectively marked Ext. M-7. The first one is dated 7-4-65. It came into being due to the observations of the Classification and Categorisation Committee regarding the proportion of Upper division clerical cadre to the lower division clerical and other allied matters. Paragraphs (i) and (ii) relate to the proportions of the Upper Division (excluding Upper Division Selection) and lower division office clerks of various departments. It clearly speaks of the categories of Lower division clerk and Upper division clerk. Paragraphs (iii) and (iv) are important. In paragraph (iii) we find mention of Lower division clerks and holders of equivalent lower division posts in the Accounts Department being eligible for promotion to Upper division posts. Here a distinction is made between Lower division clerks and holders of equivalent lower division posts meaning persons of similar category but not the category of Lower division clerks. There is also mention of promotion of these categories to their respective Upper division posts and not to the category of Upper division clerk. Similarly, in paragraph (iv) we find separate mention of "Upper division clerks" and "Upper division equivalents". Mention of equivalents has been made particularly in respect of Accounts Department where there are two parallel categories like L. D. and U. D. clerks on one side and Cashiers, cash clerks and Sr. Cash clerks on the other side. By Lower division equivalent is meant posts of lower division other than L. D. clerks and by Upper division equivalent is meant Cashier, Cash clerks and Sr. cash clerks and other categories, if any, but not the category of Upper division clerks.

22. The next settlement was made on 22-5-74 between Port Trust and its workmen represented by the Calcutta Port Shramik Union. It was for widening the promotional opportunities for the clerical staff both indoor and outdoor working in different departments except the Accounts department. Admittedly cases of Cashiers, Cash clerks, Sr. Cash clerks and L.D. and U.D. clerks of Accounts Department do not come under this settlement. Lastly, the settlement dated 27-12-74 was arrived at between the Port Trust and the workmen represented by three Unions, viz. Calcutta Port Shramik Union, Calcutta Port and Dock Workers' Union of National Union of Waterfront Workers for the indoor clerical staff in the Accounts Department.

23. Mr. Kar's submission is that Cashiers and Cash clerks are covered by this agreement because they are included in the indoor clerical staff of the Accounts Department doing job of clerical nature and indoors. Bholanath and Gopal Chandra as such claims their promotion to Senior Cash clerks by virtue of clause (a) of term no. (vii) of the Settlement. Term (vii) reads as follows :

"Posts of Upper Division (Selection) clerks will be filled on the following basis :

- 60 per cent by seniority-cum-suitability;
- 40 per cent on merit-cum-seniority; merit being determined by departmental examination, written and oral."

Admittedly at the relevant time there was no Upper division (Selection grade) clerk in the Accounts Department, though there were Sr. Cash clerks in the scale of pay similar to that of U. D. (Selection grade) clerk. There is no dispute before me also that in the absence of U. D. (Selection) clerk some got increment of wages in the scale of U. D. (Selection) clerk but the same was treated as personal pay. They were not taken in that category. Term (ii) says that in respect of indoor clerical staff regular posts of Upper division (Selection) shall be created. It is quite in consonance with the category of Upper division clerks as U. D. Selection clerk is absent in Accounts Department. According to term (iii)(a) there is reference of existence of Upper Division clerks enjoying the benefit of Upper Division (Selection) scale is personal basis and this means they refer to Upper division clerks' category and not to the category of Cashier, Cash clerk or Senior Cash clerk who are already in the Accounts Department and there can be no question of creation of posts like Senior Cash clerk enjoying the pay scale of U. D. (Selection) grade clerks. Moreover term no. (vii) itself speaks about U. D. (Selection) clerk, a distinct category quite different from Senior Cash clerk as I have already mentioned with reference to oral evidence and documents. It may also be particularly noted that nowhere in the settlement, is there any mention of Cashier, Cash clerks or Sr. Cash clerk. On the other hand from the reading of the entire settlement, marked as Ext. W-1, Ext. M-2 and Ext. M-7, it will be quite clear that it covered the categories of L. D. clerks, U. D. clerks and U.D. (Selection) clerks whose promotions rise upto Office Superintendent and not to Cashiers, Cash clerks and Sr. Cash clerks whose promotion flows through other channel to reach the post of Treasurer. We get the different designations and pay scales of class III and class IV employees of the Audit and Accounts department in Ext. M-8. Ext. M-3 is the seniority list of Cashier and Cash clerks maintained separately by the Port Trust.

24. Mr. Kar has invited me to refer to paragraph 7.2.25 of the Report of the Central Wage Board for Port and Dock Workers at Major Ports, 1969, at page 375 where new scales of pay have been suggested for different categories of workmen. Here under the column for category the following categories have been mentioned :

1. Lower Division clerks or equivalents.
2. Upper Division clerks or equivalents.
3. Sr. clerks/Selection grade clerks or equivalents.
4. Head Assistant, Head clerks, Asstt. Superintendent or equivalents.
5. Office Superintendents or equivalents.

Mr. Kar wants to say that when cash clerks and cashiers are placed in the same scale of pay, they are equivalents to U. D. clerks and, therefore, when treated as equivalents to U.D. clerks, they must be included in the indoor clerical staff. Equivalent implies similarity or resemblance of the same kind but in fact not the same. Here equivalents meant similar in pay, status etc. but not of the same category. Conveniently we may refer to paragraph 7.2.15 at page 371 of the Board's Recommendation. Here we get the different designation of indoor clerical staff of different major ports. We find that in Calcutta Port the following are included in the indoor clerical staff :

1. Lower Division clerks.
2. Upper Division clerks.
3. Selection grade clerks, clerks in-charge.
4. Head clerks.
5. Divisional Accountants, Head Assistants.
6. Office Superintendents.

The Cashiers, Cash clerks, Sr. Cash clerks, Assistant Treasurer, Treasurer have not been included in the indoor clerical staff. On the other hand paragraph 7.2.16 speaks of the existence of outdoor clerical staff. Wage Board Recommendations do not help Mr. Kar in any manner.

25. In this connection we may refer to a letter of the Union dated 21-7-76 written to the Regional Labour Commissioner to show the nature of grievance over the super-

session of Bholanath and Gopal Chandra. It has been marked Ext. W-1 collectively with other papers. Here the Sr. Cash Clerk has not been described as U. D. (Selection) grade clerk. On the other hand, it is stated that Sr. Cash clerk is in the scale equal to that of U. D. (Selection). It was further stated that applications were invited for sitting at the examination for promotion from candidates of lower division clerk in violation of practice adopted in Cash and Pay Section. The said notice is marked Ext. W-1. Here it is clearly stated that for promotion to the post of Sr. Cash clerk, an examination will be held and that incumbents of the posts of Cashiers and Cash clerks in the scale of Rs. 170-366 with five years of continuous service will be eligible to sit for examination. Clearly promotion would be given to the post of Sr. Cash clerk and candidates must be Cashier and Cash clerks, not anybody from the category of L. D. or U. D. clerks or anybody from clerical staff. One significant fact is to be mentioned. Ext. W-2 is the Resolution No. 407 which partially attends the Resolution No. 565 regarding appointment and promotions of Cash clerks and Senior Cash clerks. This resolution exhibited by the Union shows that even in 1978 Resolution No. 565 was recognised as governing Cashiers, Cash clerks and Sr. Cash clerks who are treated as distinct category from those of L. D. clerks, U. D. clerks and U. D. (Selection). Clearly, therefore, there is the existence of Resolution No. 565 for Cashier, Cash clerks and Senior Cash clerks and the settlement dated 27-12-74 is meant for the category of L. D. clerks, U. D. clerks and U. D. Selection Grade clerks who are particularly described as indoor clerical staff. In this case the Union has examined two witnesses who are Upper division clerks and they say nothing about Cashier and Cash clerks. No Cash clerk or Cashier has been examined, not even the concerned Cash clerks to speak about themselves. Port Trust has examined two competent witnesses of accounts Department who have knowledge about Cashiers and Cash clerks.

26. Giving my best consideration to the evidence on record both oral and documentary and also the circumstances of this case, I have no manner of doubt to hold that Cashiers, Cash clerks and Senior Cash clerks were never included in the indoor clerical staff for which the settlement was effected on 27-12-74. They constitute a separate category quite different from the category of Lower division clerks and Upper division clerks for Upper Division (Senior) Grade Clerks who are included in the Indoor clerical staff mentioned in the settlement dated 27-12-74 relied upon by the Union. No part of the settlement is relevant for the purpose of filling up the vacancies of Senior cash clerks.

27. Now let me consider whether the Port Trust was justified in appointing the Cash clerks junior to Bholanath and Gopal Chandra to the posts of Senior Cash clerks and whe-

re the supersession of Bholanath and Gopal Chandra is justified. The evidence shows that in the matter of promotion of Cashiers and Cash clerks the Resolution No. 565 of Port Trust is to be followed. The copy of the said Resolution has been marked Ext. M-7 collectively with other papers. This is dated 24-4-67. Relevant portions of the Resolution No. 565 may be stated in brief. 40 per cent of the vacancies in the posts of Senior Cash clerks in the Accounts department will be filled up by promotion on the basis of seniority-cum-suitability and 60 per cent of vacancies will be filled up by promotion on the basis of merit-cum-seniority by departmental examination which may be wholly written or partly written and partly oral. It was further resolved that vacancies in the post of Sr. Cash clerks have been so longed up on the basis of seniority-cum-suitability, the first 33 vacancies which would arise from 1st April, 1967 including those already existed on that date would be filled by promotion on the basis of merit-cum-seniority. It is not the case before me from the side of the Union that the Port Trust has not complied with the Resolution No. 565. On the contrary it was argued by Mr. K. K. that with the settlement dated 27-12-74 which embraced the Cashiers and Cash clerks, Resolution No. 565 stood ineffective. I have already found that the said settlement has nothing to do with Cashier and Cash clerks who are governed by Resolution No. 565. The evidence of Senior Accounts Officer MW-1 in reply to a question of Mr. K. K. is that from 24-4-67 to 27-12-74 nine persons were promoted to the posts of Senior Cash clerk. Of the first three were promoted on the basis of examination of merit and the remaining six by seniority-cum-suitability. Therefore, six promotions on the basis of seniority-cum-suitability was more than the due quota. The three promotions of Prasanta Kumar Boral, Arun Kumar Sil and Injat Malik coming next on the basis of merit-cum-seniority relied by examination though challenged by the Union were legal. These three promotions were followed by another in respect of Nirmalendu Banerjee on the basis of merit-cum-seniority. The Port Trust, in the circumstances, was justified in filling up the vacancies of Senior Cash clerks by conducting a departmental examination on the basis of the Resolution No. 565 and the supersession of Bholanath Sen and Gopal Chandra Singh who were senior to the promoted was justified and legal. The Port Trust acted legally in the matter of promotion already mentioned concerning supersession of Bholanath Sen and Gopal Chandra Singh. The two concerned workmen are not entitled to any relief in this connection.

Accordingly I pass an award.

R BHATTACHARYA Presiding Officer
Court 17-9-80
No. T-32012 14 76-D IV(A)
NAND LAL, Desk Officer